United Nations A/64/293

General Assembly

Distr.: General
12 August 2009

Original: English

**Sixty-fourth session**
Item 71 (b) of the provisional agenda*
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# International Year of Human Rights Learning

## Report by the Secretary-General

*Summary*

The present report is submitted in response to General Assembly resolutions 62/171 and 63/173 on the International Year of Human Rights Learning, in which the Assembly requested the Secretary-General to report at its sixty-fourth session on the implementation of the International Year, which commenced on 10 December 2008.

As the initiative is ongoing, the present report provides partial results, providing information on a sample of initiatives and commemorative activities undertaken at various levels to date to achieve the objectives of the International Year and to advance human rights education and learning more broadly. It gives an overview of the wide range of national and international efforts. The report highlights major activities and events launched at the international level, also in the context of the World Programme for Human Rights Education. It concludes that the observance of the International Year so far has contributed to increasing global awareness of human rights and of the role of human rights education and learning as significant instruments in promoting and protecting human rights worldwide.

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# Contents


| | | Page |
|---|---|---|
| I. | Introduction | 3 |
| II. | Commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights | 4 |
| III. | Activities reported by Member States | 5 |
| | A. National laws, strategies, plans of action and institutions | 5 |
| | B. Programmes and projects targeting civil servants and teaching staff | 6 |
| | C. Human rights curricula | 7 |
| | D. School programmes and extra-curricular activities for schoolchildren | 8 |
| | E. Expert conferences, awareness-raising campaigns and programmes targeting civil society and the general public | 9 |
| | F. Regional initiatives | 11 |
| IV. | Activities at the international level | 11 |
| | A. World Programme for Human Rights Education and the plan of action for its first phase | 11 |
| | B. United Nations inter-agency cooperation | 12 |
| | C. Information-sharing | 13 |
| | D. Supporting national capacities and grass-roots initiatives | 14 |
| | E. Draft United Nations declaration on human rights education and training | 15 |
| V. | Conclusions | 16 |

# I. Introduction

1. At its sixty-second session, the General Assembly proclaimed the year commencing 10 December 2008 as the International Year of Human Rights Learning, in order to give impetus to human rights education and learning throughout the world. In its resolution 62/171, the Assembly called on Member States to promote human rights learning and education at the local, national and international levels, in cooperation with all relevant stakeholders. The Assembly decided to devote a special meeting at the end of the International Year, during its sixty-fourth session, to reviewing activities undertaken by Member States, relevant United Nations agencies and civil society during the International Year. The Assembly requested the Secretary-General to report at its sixty-fourth session on the implementation of the resolution.

2. The General Assembly continued considering the question at its sixty-third session. In its resolution 63/173, it urged Member States, in coordination with relevant stakeholders and with the support and collaboration of the United Nations High Commissioner for Human Rights and the Human Rights Council, to develop international strategies and/or regional, national and local plans of action aimed at sustained human rights learning, bearing in mind the complementary efforts undertaken within the framework of the World Programme for Human Rights Education. The Assembly requested the Secretary-General to include information on the implementation of the resolution in his report to the Assembly at its sixty-fourth session.

3. Pursuant to the two aforementioned resolutions, the International Year was to be devoted to activities undertaken to broaden and deepen human rights learning on the basis of the principles of universality, indivisibility, interdependency, impartiality, objectivity and non-selectivity, constructive dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights and fundamental freedoms, including the right to development, bearing in mind the duty of the State, regardless of the political, economic and cultural system, to promote and protect all human rights and fundamental freedoms, and the significance of national and regional particularities and various historical, cultural and religious backgrounds. In its resolution 63/173, the General Assembly recognized human rights learning as encompassing the acquisition and internalization of knowledge and understanding of one's own and others' human dignity. Both resolutions underscored the complementarities of the International Year with the World Programme for Human Rights Education (2005-ongoing). In its resolution 63/173, the Assembly furthermore acknowledged the important role that non-governmental organizations, academia, the private sector, where appropriate, and parliamentarians, could play in the promotion and protection of human rights through education and learning, including at the community level.

4. The present report describes the broad range of activities and initiatives carried out at the national and international levels in observance of the International Year, together with the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights on 10 December 2008. The report summarizes the significant achievements of the International Year, including related activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the context of the World Programme for Human Rights Education, which is focused, in its first phase (2005-2009), on integrating human

rights education into primary and secondary school systems. It should also be noted that since the International Year is ongoing, the results provided in the present report are incomplete.

## II. Commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights

5. On Human Rights Day 2007, the Secretary-General launched a year-long United Nations system-wide advocacy campaign to mark the sixtieth anniversary of the Declaration. The initiative celebrated the Declaration and the promise that has made the document so enduring: "Dignity and justice for all of us".[1] The campaign aimed to increase knowledge and awareness of human rights among the largest number of rights holders so that they could claim and enjoy their rights.

6. Many Governments, civil society, educational, cultural and human rights institutions took the opportunity during 2008 to reaffirm their commitment to the values and principles of the Declaration and to disseminate information about it. Over 460 stakeholders took part in the campaign, organizing events and activities in 86 countries. Overall, 217 conferences, forums, symposiums and panel discussions were organized within the framework of the campaign. A non-exhaustive list of activities undertaken by OHCHR and the human rights components of United Nations peacekeeping missions on Human Rights Day 2008, included: the dissemination of the Declaration, TV and radio programmes, film screenings, workshops and round-table discussions, marches, diverse cultural events, film and art competitions, human rights awards ceremonies and the establishment of human rights clubs at schools.

7. On Human Rights Day 2008, the United Nations High Commissioner for Human Rights reported that for many people, the Declaration remained an unfulfilled promise, as the political will of States to fulfil their obligations lagged lamentably behind their pledges. The High Commissioner stated that tens of millions of people around the world were still unaware that they had rights that they could demand, and that their Governments were accountable to them. The High Commissioner welcomed the International Year of Human Rights Learning and encouraged ministries, institutions, teachers, parents and others to ensure that the next generation was given the maximum opportunity to claim their rights. In a joint statement on the same day, 36 special procedures mandate holders of the Human Rights Council welcomed the adoption by the General Assembly of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and reaffirmed, as the Declaration did, that there was no hierarchy between human rights. The mandate holders also affirmed that economic, social and cultural rights were legal entitlements, rather than charity.

8. Ongoing efforts to disseminate the Declaration globally are facilitated by OHCHR through its website on the Declaration.[2] The website, which was recently upgraded, features translations of the Declaration into 360 national and local languages, making it the most translated document worldwide, and many related

[1] See http://www.un.org/events/humanrights/udhr60 for more information about this campaign.

[2] More information on all these activities is available from http://www2.ohchr.org/english/issues/education/training/udhr.htm.

resources. A worldwide collection of Declaration materials includes more than 400 printed and multimedia materials and a broad array of commemorative items. Selected items from the collection were exhibited at United Nations Headquarters in New York in celebration of the sixtieth anniversary of the Declaration in December 2008 and at the United Nations Office at Geneva to mark the opening of the tenth session of the Human Rights Council, in March 2009.

# III. Activities reported by Member States

9. To assist in the preparation of the present report, OHCHR circulated a note verbale dated 15 June 2009 to Member States requesting information on activities carried out in the context of the two resolutions on the International Year of Human Rights Learning. As at 7 August 2009, information on a wide range of activities and initiatives undertaken by Member States was received from 18 Member States, namely Argentina, Belarus, Colombia, Cyprus, Guatemala, Iraq, Kazakhstan, Monaco, Montenegro, Morocco, Oman, Panama, the Russian Federation, Spain, Switzerland, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland.[3] It is emphasized that the information set out below is based only on those replies, providing a sample of activities by Member States to commemorate the International Year.

## A. National laws, strategies, plans of action and institutions

10. The replies show that a number of countries have adopted national laws, policies or strategies aiming to give direction to human rights education and learning activities at their respective national levels. The legal system of Monaco recognizes the right to human rights education. Belarus is implementing a national action plan to improve the condition of children and the protection of their rights (2004-2011). Montenegro has adopted the Strategy for Civic Education in Primary and Secondary Schools (2007-2010), which focuses on enhancing civic education and education for democratic citizenship; providing teaching materials, curricula and methodologies; quality monitoring; and better use of external resources as well as cooperation with local, regional and international organizations. Switzerland has developed a plan of action (2007-2014) to integrate education for sustainable development (which includes human rights education) in curricula, teacher training, quality management of schools and, increasingly, in legislation and international cooperation.

11. The Ministry of Education of Colombia coordinates the National Plan of Human Rights Education (PLANEDH) that incorporates a strategy for initial and continuing training of teachers and education officials. The strategy of the Presidential Commission on Human Rights in Guatemala is focused on generating and implementing public administration strategies for human rights to be institutionalized in State policies, while strengthening human rights education among public officials in particular. The Ministry of Education in Guatemala has further elaborated a civic agenda for the period 2008-2012 of its national education system.

[3] Input from replies received after 7 August 2009 could not be included in this report.

12. In the strategic plan framework (2004-2009) of the Ministry of Education in Panama, a programme for the promotion and strengthening of human rights education and values treats the issue as a cross-cutting topic across general primary and secondary education and has resulted in a wide variety of activities. In 2008, Panama established the National Office for Bilingual Intercultural Education. Furthermore, under the national plan for inclusive education, teachers should be sensitized and strategies developed to provide disabled persons with access to education. The goal for the period 2008-2009 has been to teach and learn about diversity within the education community.

13. On 23 December 2008, the Government of Morocco outlined its strategy based on partnerships with associations and the Consultative Council of Human Rights. The strategy covers areas such as human rights education, a citizen platform for the promotion of human rights, gender equality, transparency and the fight against corruption and against all forms of violence, and promotion of civic behaviour, to be integrated in school curricula, as well as communication, pedagogic and scientific research and human resources development. A related emergency plan (2009-2012) aims to consolidate all efforts towards promoting a human rights culture at schools and all other domains.

14. The Iraqi Ministry of Human Rights has established a national institute for human rights, which has offered training sessions for ministries, institutions and law enforcement officers and for civil society organizations, and which has been preparing a national plan for human rights and a plan for human rights education. Based on the example of Brazil, Argentina is currently developing a national plan of action for human rights covering formal and non-formal education, training for justice and security professionals, and the role of the media. In October 2008, a national office for human rights training was established in Argentina with the aim of elaborating policies on education, training and cultural development linked to human rights. Cyprus has established the institution of the Commissioner for the Rights of the Child.

## B. Programmes and projects targeting civil servants and teaching staff

15. A number of countries reported the development or implementation of training programmes for civil servants at national, provincial or local levels. In the United Kingdom, the Department for International Development has developed e-learning programmes on human rights for its entire staff, as well as related human rights guidance. Argentinean authorities support human rights training of public servants through virtual courses such as on an introduction to human rights culture, gender, discrimination and violence or human rights, multiculturalism and discrimination. Other activities in Argentina include a course for the School of State Lawyers, training of trainers, and a federal programme for training and human rights culture to support capacity-building, training of civil servants at municipal levels, primary schoolteachers, public security officers and civil society. Reform of training for armed and public security forces is under way, while training has also been provided to mental health professionals on how to best provide assistance to victims and witnesses of State terrorism and to vulnerable people in general in Argentina.

16. Colombia elaborated a plan of action for developing a human rights culture for public officials from various ministries with the aim of integrating human rights in public policy. In the framework of a basic training module in human rights culture for public officials, employees from each pilot ministry will be trained as trainers on a human rights-based approach to public policy by the end of 2009. Human rights have been integrated in the curriculum of the Higher School of Public Administration and public security forces from the Ministry of Defence have also been trained. Similarly, in Guatemala, a human rights focus (particularly on such issues as civic safety, human security and prevention of lynching) has been introduced in activities of the National Civil Police Academy and the School of Penitentiary Studies. Monaco has taken initiatives on human rights targeting public prosecutors, namely seminars concerning the European Convention on Human Rights and its application. Monaco police officials undertake initial and continuing training on the rights of suspects and other relevant issues.

17. Turkey provides in-service training on human rights issues to civil servants, especially law enforcement officials, while police academies offer their own human rights courses. In 2008, the Turkish Ministry of Justice, through the Justice Academy, provided human rights training and workshops to members of the judiciary on such topics as monitoring of detention centres and freedom of expression. A joint project of the Turkish Board of Education and Discipline and Amnesty International (Turkey) has ensured training of teachers on the issues of gender discrimination and violence against women. Turkey has also actively participated in the "Education for democratic citizenship and human rights" project of the Council of Europe, which has enabled training of trainers through nationwide in-service training programmes on human rights issues. These trainers in turn have provided training on human rights to thousands of teachers at all levels.

18. The Ministry of Education of Oman is preparing manuals with case studies for educators on teaching human rights. Belarus provides continuing training on human rights to specialists working with children, including teachers and psychologists. The aims of the Montenegro Bureau for Educational Services are: to define competencies of teachers; to establish a procedure to certify competencies; to develop a continuing training system for teachers; and to ensure the provision of methodological support. In-service teacher training in Cyprus has been facilitated by the Cyprus Pedagogical Institute which has offered school-based seminars on human rights, intercultural education and teaching Greek as a second language. Other activities aiming to promote human rights in Cyprus have included seminars and conferences for teachers, dealing with cultural diversity, promoting equal opportunities and the enjoyment of human rights, methodological issues in teaching and addressing diversity issues. The Teacher Training Institute in Spain also designed human rights courses for primary and secondary school teachers and issued publications and manuals for educators on teaching human rights.

## C. Human rights curricula

19. There is a diversity of approaches to integrating human rights into curricula across the formal education sector. In Ukraine, human rights concepts are included in various ways in general education institutions, beginning at the preschool level, and at the primary and secondary levels as part of both obligatory and elective courses. In Belarus, children are introduced to human rights concepts and the main

international human rights treaties from the primary level onward, as is also the case in Kazakhstan.

20. The primary education curriculum in Turkey includes "democracy and human rights education" as a discipline. A course on democracy and human rights is optional in Turkish secondary schools. In the Spanish education system, education for citizenship and human rights is a compulsory subject in basic education (from 6 to 16 years of age). Switzerland has made education for sustainable development compulsory at vocational schools and its objective is to integrate the subject, including human rights education, in all levels of education.

21. In the Russian Federation, human rights education is carried out in general education institutions as a stand-alone subject or is integrated in the humanities or science courses. It is also incorporated in vocational training. Methodological guidelines for human rights courses have been made available on the website of the Ministry of Education and Science of the Russian Federation[4] and a human rights educational package for primary schools has also been developed. Pursuant to the Framework for Cooperation with the Russian Federation, OHCHR in close cooperation with relevant stakeholders, is facilitating the establishment of a human rights masters programme, which may be launched in 2009 at several Russian higher education institutions.

22. The Ministry of Education and Culture of Cyprus has undertaken a comprehensive upgrading of the national curriculum from kindergarten to upper secondary education observing the principles of equal treatment of all children irrespective of their socio-economic, cultural and ethnic background and fostering respect for human rights. Montenegro is currently incorporating democratic citizenship principles across school education programmes and as an elective subject in high schools. In Iraq, work on including human rights principles in school curricula is under way. The Ministry of Education in Guatemala is carrying out curricular reform including the updating of contents and methodology. "Democratic life and the culture of peace", a component of the national basic curriculum, promotes civic participation.

23. In Turkey, undergraduate and postgraduate education levels also include human rights courses. In Kazakhstan, 22 universities offer a course on civil law, which includes human rights education components. In Guatemala, Mariano Galvez University has incorporated a course on human development in all study programmes to promote the study, practice and diffusion of human rights concepts.

## D. School programmes and extra-curricular activities for schoolchildren

24. In the United Kingdom, Welsh authorities developed a programme for schools entitled "Roots to success", which is based on promoting the Convention on the Rights of the Child and is anchored in the United Nations Children's Fund (UNICEF) life skills model. It is contextualized within a global citizenship and international sustainable development framework. The Department for International Development provided support to the United Nations Association of the United Kingdom to develop and circulate human rights materials to all secondary schools,

[4] See http://mon.gov.ru.

including a module on human rights and development. Among many programmes implemented in Panama, the "Schools of quality" programme aims at facilitating the right to education from childhood onwards and, in this context, teacher handbooks and other teaching and learning materials have been distributed.

25. Cyprus reported on its efforts throughout the International Year to inform and sensitize all stakeholders involved in the education field about human rights. It staged a significant number of school activities, both curricular and extra-curricular, such as projects, group work and simulations, use of drama, role playing, school visits and excursions, debates on human rights with the participation of students, parents and teachers, developing school, class and family rights charters, essay and drawing competitions. Human rights education in Monaco has taken place not only in schools but also on the occasion of specific events such as Universal Children's Day and the observation of the International Day of Commemoration in memory of the victims of the Holocaust. On Human Rights Day, lawyers at secondary schools in Monaco discussed current human rights practices in Europe. Students participated in citizenship projects and in United Nations Educational, Scientific and Cultural Organization (UNESCO) clubs that aim to nurture a sense of solidarity. The Government of Monaco financed the publication of a series of comic strips illustrating the Declaration of the Rights of the Child.

26. Ukraine regularly organizes student competitions such as the annual "Olympiad of jurisprudence", the Ukrainian nationwide tournament for young jurists, festivals, student clubs, "young jurist" programmes and other extra-curricular activities. Morocco has held a creativity competition in the art of design and infography. In Belarusian public schools, annual events include competitions on the knowledge of human rights. The Belarusian Association of UNESCO clubs runs a project called "University of Children's Rights". Special human rights and law competitions are also held in Kazakhstan, where a "Student ombudsmen" project has also been implemented.

27. In Oman, a human rights-based approach to schooling is practised in respect of relationships between students, teachers and the management. The Ministry of Education has supported 14 UNESCO-associated schools whose activities aim to increase the knowledge of global issues and human rights. Students are encouraged to participate in volunteer work. With a view to social development, the National Office for Youth in Argentina implements a youth training programme, "Padre Mujica". In the Russian Federation, students also learn about human rights through extra-curricular activities.

## E. Expert conferences, awareness-raising campaigns and programmes targeting civil society and the general public

28. Member States cited a significant number of conferences, campaigns and other information activities directed at the non-governmental sector and the general public. For example a number of expert conferences on the methodology of teaching human rights have been organized in the Russian Federation and in Spain. Expert events organized by Argentina included an international seminar on the management of memorials and Holocaust museums. The United Kingdom Department for International Development sponsored and hosted an international conference on human rights, development and accountability in February 2009.

29. In Ukraine, a presidential decree established in 2008 the Ukrainian National Law Week, which is to be celebrated annually during the week that includes Human Rights Day (10 December), in commemoration of the Universal Declaration of Human Rights. During its first edition, the Ministry of Justice organized a large number of activities throughout the country, including pro bono legal consultations, a telephone hotline, lectures and exhibitions. In Turkey, the Human Rights Presidency regularly organizes awareness-raising and educational activities on human rights for citizens in collaboration with civil society and human rights boards located in 81 provinces. Tools include competitions, local radio and television programmes, posters, brochures, education kits, CDs and DVDs.

30. Montenegro promotes the values of democratic citizenship within academia, local communities and the general public. The Department of Children's Rights of Kazakhstan, assisted by non-governmental organizations, has held seminars and public lectures on children's rights, in addition to making information available through the mass media. The Ministry of Culture and Sports in Guatemala has carried out a number of awareness-raising events on human rights issues, particularly the rights of indigenous peoples and women.

31. Throughout 2008, Argentina organized a vast number of human rights training activities, cinema debates, conferences, workshops, conventional and virtual courses and conferences. An Argentinean project on strengthening the protection system of human rights coordinates actions between the State and civil society, including the development of training on human rights issues. The National Memory Archive in Argentina has developed photographic exhibitions, videos and television advertisements related to the issue of memory and State terrorism. In order to motivate the participation of civil society in Panama, a programme on social commitment for education constituted a space for the consultation and participation of civil society in regional forums. A programme on the theme "Together for a community without violence" has sought to contribute to the prevention of student violence and increase the social inclusion of young people. The objective of the campaign "I Live Human Rights" in Guatemala has been to inform the population of their rights and make human rights part of their everyday life.

32. Colombia makes available a variety of related information, including the national plan of action, through a public website of the Presidential Programme for Human Rights and International Humanitarian Law.[5] In Belarus, libraries have put up information stands on human rights, an informational website on children's rights has been launched and further work on human rights awareness among the youth is planned for 2010. The Media Centre of the Iraqi Ministry of Human Rights has issued magazines and newsletters for human rights awareness-raising. The Ministry also holds annual human rights conferences on the occasion of Human Rights Day.

33. On the occasion of the sixtieth anniversary of the Declaration, a number of countries put on specific commemorative events, for example: the United Kingdom Department for International Development carried out a range of educational activities on human rights. The events, including the screening of short human rights films and lectures by guest experts, targeted British Government officials and civil society interested in human rights and development issues. Information campaigns marking the anniversary were also developed in Colombia, Monaco and Morocco.

[5] See http://www.derechoshumanos.gov.co.

Methodological guidelines for a human rights lesson dedicated to the sixtieth anniversary of the Declaration were issued in the Russian Federation.

### F. Regional initiatives

34. Oman cited its active participation in expert meetings of the League of Arab States, where it shared its experience of human rights education in the school system.

35. Extensive regional cooperation has developed in Latin America. Guatemala noted activities, projects and exchanges of experience among 19 Latin American countries under the auspices of the Inter-American Institute of Human Rights. It also mentioned the elaboration of its seventh report on human rights education. Panama noted its participation in the virtual Latin-American network on education, values, citizenship and democracy that provides teachers and technical staff with virtual forums for education in values.

36. Argentina referred to ongoing regional cooperation and coordination concerning matters of education, training, culture and human rights in the framework of Common Market of the South (MERCOSUR), in particular as concerns the development of national plans of action for human rights education, of which Brazil was at the forefront. In addition to expert meetings, Argentina plans to convene an inter-American congress on human rights education, which will allow the sharing of experiences with national plans and discussion on the future possibility of developing a common policy document on human rights education for the region. Another common aim is to disseminate publications on human rights. The National Ministry of Education of Argentina, with the support of the Organization of American States, has developed a virtual library with didactic materials called "Memory and human rights in MERCOSUR".[6] Argentina also mentioned an agreement signed with UNESCO for the creation of an international centre for the promotion of human rights, which will seek, inter alia, to promote innovation and development of action in favour of human rights education, train experts, promote scientific and academic research and exchange knowledge and best practices between countries.

## IV. Activities at the international level

### A. World Programme for Human Rights Education and the plan of action for its first phase

37. Within the United Nations system, the implementation of the International Year of Human Rights Learning has been carried out within existing financial and human resources. In view of the close complementarity of the International Year with the longer-term global initiative, the World Programme for Human Rights Education (2005-ongoing), the present report also focuses on activities and achievements of the World Programme.

38. The World Programme was proclaimed by the General Assembly in its resolution 59/113 A to be launched on 1 January 2005 as an ongoing global initiative

[6] Available from http://www.memoriaenelmercosur.educ.ar.

structured in consecutive phases, the first one focusing on the integration of human rights education into primary and secondary school systems. Pursuant to Assembly resolution 59/113 B, the implementation has been guided by the plan of action for the first phase (2005-2007) of the World Programme. The first phase was extended on 28 September 2007 by the Human Rights Council in its resolution 6/24 to last until the end of December 2009.

39. Following the launch of the International Year in December 2008, OHCHR has continued to concentrate on promoting the plan of action and on assisting Member States in their national implementation of the Programme. OHCHR frequently interacted with a wide range of actors such as Governments, United Nations entities and intergovernmental and non-governmental organizations, in order to provide information and advice, participated in relevant events, or expressed support through messages from the United Nations High Commissioner for Human Rights and the Deputy High Commissioner. Numerous OHCHR publications related to human rights education and training have been distributed globally to interested actors as part of the dissemination effort.

40. Following Human Rights Council resolution 10/3 of 25 March 2009, OHCHR carried out a consultation with Member States, national human rights institutions and international and non-governmental organizations on the possible focus of the future second phase of the World Programme and prepared a separate report on the subject for the twelfth session of the Human Rights Council. According to the responses summarized in the report, the focus on human rights education in primary and secondary schools should continue since the aims of the first phase have not yet been achieved. Emphasis needs to be placed on human rights training for teachers and educators in order for human rights education to be effectively integrated into the school system. Many respondents proposed the tertiary or university education sector as the next target area. Many replies further voiced a need for human rights training of duty bearers, especially law enforcement officials. While numerous thematic areas were recommended for the second phase, often reflecting national realities, the role of human rights education in tackling poverty and the importance of the principles of non-discrimination and equality were most frequently cited. The majority of respondents proposed a period of five years for the second phase.

## B. United Nations inter-agency cooperation

41. OHCHR continues to coordinate related international efforts in promoting and implementing the World Programme, within the United Nations system, by hosting the secretariat of the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System. The Coordinating Committee is composed of 12 United Nations entities[7] and seeks to facilitate coordinated United

[7] The International Labour Organization, OHCHR, the Joint United Nations Programme for HIV/AIDS, the United Nations Development Group, the United Nations Development Programme, the Department of Public Information, the United Nations Educational, Scientific and Cultural Organization and its International Bureau of Education, the United Nations Population Fund, the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the World Bank.

Nations support for the national integration of human rights education in primary and secondary school systems.[8]

42. The High Commissioner wrote to all ministers of education in December 2007 on behalf of the Coordinating Committee, inviting them to proceed with national implementation of the plan of action and requesting further information on national progress. Fifty-three Governments replied as at 3 August 2009. Summaries of the responses are available from the OHCHR website.

43. During the reporting period, the Coordinating Committee held its 6th meeting on 20 February 2009, in Geneva. In order to raise awareness about the plan of action and to promote inter-agency cooperation, the Coordinating Committee has carried out a variety of initiatives. Notably, during the Durban Review Conference held in Geneva from 20 to 24 April 2009, the Coordinating Committee organized, on 22 April 2009, a side event on the theme "Combating racism through human rights education: examples of national practice", jointly with the Council of Europe. The panel showcased five national practices from Guyana, India, Romania, South Africa, Uganda and the United Kingdom regarding human rights education in the school system and their impact in combating racial discrimination. The event provided an opportunity to highlight challenges and lessons learned with regard to implementation of the Durban Declaration and Programme of Action in respect of human rights education, and to promote awareness of the World Programme. Over two days, a wealth of printed materials from Coordinating Committee members, the Council of Europe and the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights was displayed at an information stand.[9]

44. As it had done in 2007, the Coordinating Committee issued a joint statement on 12 June 2009 on the occasion of the World Day against Child Labour, urging Member States to further promote human rights education to foster the attitudes and behaviours needed to uphold human rights for all members of society, and as a concrete response to child labour.[10]

## C. Information-sharing

45. In order to contribute to the implementation of the World Programme and its plan of action, OHCHR has sought to continuously raise awareness of human rights education and training activities at various levels by a variety of information-sharing and networking activities.[11] OHCHR has developed a dedicated section of its public website to the World Programme. Information on the various national initiatives reported to OHCHR is disseminated through a subsection of the World Programme website,[12] including a list of national focal points appointed by

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[8] More information about the United Nations Inter-Agency Committee is available from http://www2.ohchr.org/english/issues/education/training/UN-inter-agency.htm.

[9] See http://www.un.org/durbanreview2009/story28.shtml.

[10] The full text of the 2009 joint statement is available from http://www2.ohchr.org/english/issues/education/training/docs/joint_statements/WDACL2009_UNIACC_statement.pdf.

[11] More information on all these activities is available from http://www2.ohchr.org/english/issues/education/training/index.htm.

[12] National initiatives website can be accessed at http://www2.ohchr.org/english/issues/education/training/national-initiatives.htm.

Governments for the World Programme and national plans or strategies for human rights education. The publication of information on national initiatives is contingent on OHCHR being notified by Governments.

46. The Office of the United Nations High Commissioner for Human Rights has also supported the documentation, collection and dissemination of good practices on human rights education in the school system at the regional level. One example is a forthcoming publication entitled *Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practice*, which OHCHR has developed together with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, UNESCO and the Council of Europe. The publication includes more than 100 good practices in the area of human rights education, education for democratic citizenship and education for mutual respect and understanding. The resources have been developed for the primary and secondary levels and for teacher training institutions.

47. Two other tools developed by OHCHR with a view to facilitating information-sharing and networking on human rights learning are the Resource Collection on Human Rights Education and Training and the OHCHR Database on Human Rights Education and Training. The progressively expanding Resource Collection, a specialized section of the OHCHR library in Geneva, gathers a variety of human rights education and training materials from around the world.[13] The Database, on the other hand, provides information on programmes, materials and institutions that organize human rights education and training activities in an electronic format. The Database was recently upgraded and now features various functions that make it more user-friendly and interactive. New entries are added on a regular basis.[14]

48. As part of its daily outreach activities in the course of the International Year, OHCHR has responded to governmental and non-governmental entities on issues related to human rights education and training, related reference services and other guidance. OHCHR grants, publications, the participation of specialized OHCHR staff and other initiatives have supported international and regional human rights education activities organized by other actors.

49. During the reporting period, OHCHR continued to develop and disseminate selected human rights training and education materials.[15] It is currently developing methodological tools to evaluate the impact of human rights education and training activities as well as a self-assessment tool for Governments on the integration of human rights education into the school system.

## D. Supporting national capacities and grass-roots initiatives

50. National capacities for human rights education and training have been supported through projects undertaken in the context of the OHCHR programme of

[13] The catalogue is available from http://www2.ohchr.org/english/issues/education/training/collection.htm.

[14] The Database is available from http://hre.ohchr.org/hret.

[15] More information on OHCHR publications, including relevant electronic versions, is available from http://www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx.

technical cooperation in the field of human rights.[16] OHCHR has devoted enhanced efforts to strengthening national capacities for human rights training of military, police and other staff deployed to peacekeeping operations.

51. The Assisting Communities Together Project is a joint initiative of OHCHR, the United Nations Development Programme (UNDP) and the United Nations Office for Project Services in support of grass-roots human rights education initiatives in selected countries. The project provides small grants to national and local non-governmental organizations for community-based human rights education and training activities.[17] The sixth phase (2008-2009) of the project was launched by OHCHR and UNDP in July 2008 and it focuses on supporting activities contributing to the integration of human rights education in primary and secondary school systems, in order to create synergy with the first phase of the World Programme, and to the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights. At present, OHCHR and UNDP are supporting over 160 projects in 29 countries.[18]

## E. Draft United Nations declaration on human rights education and training

52. In resolution 6/10, the Human Rights Council requested the Human Rights Council Advisory Committee to prepare a draft United Nations declaration on human rights education and training. The Council also requested the Advisory Committee to seek the views of Member States, relevant international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, national human rights institutions and civil society organizations, including non-governmental organizations, on the possible elements of a future declaration. More than one hundred replies from Governments and other stakeholders were received in response to the consultation launched on the subject in 2008. An expert seminar hosted by the Government of Morocco in July 2009 also provided elements for a future declaration, as did a working session organized by UNESCO in July 2009 and a parallel event on the contributions of national human rights institutions to education and training, held during the Advisory Committee's third session in August 2009. Further consultations will continue on a working document by the

[16] More information on this programme is available from http://www.ohchr.org/EN/Countries/Pages/TechnicalCooperationIndex.aspx.

[17] The Assisting Communities Together Project website is available from http://www2.ohchr.org/english/issues/education/training/act.htm.

[18] In Africa (Burkina Faso, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ghana, Guinea-Bissau, Liberia, Seychelles, Sierra Leone, Sudan, Togo, Uganda, Zambia); in the Arab region (Occupied Palestinian Territory); in the Asia-Pacific group (Timor-Leste); in Europe and Central Asia (Armenia, Azerbaijan, Georgia, Kosovo, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Serbia); and in Latin America and the Caribbean (Colombia, Ecuador, Uruguay, Venezuela).

Advisory Committee[19] and a draft declaration is expected to be presented to the Advisory Committee at its fourth session in January 2010.[20]

# V. Conclusions

53. **The sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, in 2008, provided a suitable occasion for the United Nations to increase its efforts to promote a human rights culture worldwide through education and learning.**

54. **Since proclamation the International Year of Human Rights Learning on 10 December 2008, many global efforts have been devoted to human rights education and learning. Even though the International Year is ongoing, the responses received from Member States indicate that interest in and commitment to human rights education and learning have grown among Government bodies, local authorities, teaching personnel, civil society and international entities. Synergies created by the complementarity between the International Year and the longer-term World Programme for Human Rights Education have brought about progress in certain areas, such as greater emphasis on developing strategies for incorporating human rights into education and learning processes, greater regional cooperation, more extensive in-service training of civil servants, strengthened teacher training and more programmes and projects involving schools, civil society and the general public. In addition, standard-setting processes such as the drafting of a United Nations Declaration on Human Rights Education and Training have the potential to have a positive impact on the sustainability of these efforts in the future.**

55. **A wealth of national and international initiatives have been reported during the International Year of Human Rights Learning aimed at increasing awareness of human rights norms among millions of people who are unaware of their rights and marking the sixtieth anniversary of the Universal Declaration on Human Rights. While the Declaration remains the most important human rights document internationally, "a common standard of achievement for all peoples and all nations", a significant amount of work remains to be done to reach the millions of people around the world who are unaware of their rights.**

[19] See A/HRC/AC/3/CRP/4 (Document de travail sur le projet de Déclaration sur l'éducation et la formation aux droits de l'homme).

[20] See Recommendation 3/3 adopted by the Advisory Committee at its third session, as listed in the Draft report of the Advisory Committee on its third session (in the compilation of recommendations adopted by the Advisory Committee at its third session).

United Nations A/64/294

General Assembly

Distr.: General
13 August 2009

Original: English

**Sixty-fourth session**
Items 127 and 136 of the provisional agenda*

**Report on the activities of the Office of Internal Oversight Services**

**Programme budget for the biennium 2008-2009**

# Follow-up audit of the management of special political missions by the Department of Political Affairs

## Report of the Office of Internal Oversight Services

## "The Department of Political Affairs has made some progress in implementing Office of Internal Oversight Services recommendations, but more needs to be done to ensure effective and efficient backstopping of special political missions"

*Summary*

Pursuant to General Assembly resolution 63/261, the Office of Internal Oversight Services (OIOS) conducted an audit of the management of special political missions by the Department of Political Affairs of the United Nations Secretariat, as a follow-up to the previous OIOS report (A/61/357).

Special political missions play a key role in preventing, controlling and resolving conflicts. In addition to post-conflict peacebuilding, the Department of Political Affairs manages 24 of the 27 special envoys and advisers of the Secretary-General, as well as sanctions monitoring groups and field missions.

The main objective of the audit was to determine whether the recommendations contained in the previous OIOS report had been implemented, and to assess mitigating controls in place to address some high-risk areas that were identified by the risk assessment by OIOS of the Department and similar assessments conducted by the Department and the Board of Auditors. Those high-risk areas included: (a) internal governance and accountability mechanisms; (b) strategic planning and management; and (c) backstopping of special political missions and the Department's

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coordination strategy with partners. The audit also considered relevant findings and recommendations from other OIOS audits and evaluations of special political missions.

Of the 15 recommendations made in the previous OIOS audit, six had been implemented, seven were still in progress and two have been closed without implementation, as they had been overtaken by the establishment of the Department of Field Support.

The main findings are as follows:

(a) The implementation of recommendations to address the risks of duplication of responsibilities and unclear accountability was still in progress. The revision of the mandate of the Department of Peacekeeping Operations to clearly reflect its responsibilities for directing the substantive operations of special political missions under its leadership was nearing completion. The criteria for assigning the responsibility to lead a field mission to either the Department of Political Affairs or the Department of Peacekeeping Operations had yet to be finalized. The Executive Office of the Secretary-General indicated that the lead department policy would be updated once the mandates of the two Departments were revised. In updating the lead department policy, the paramount economic consideration in assigning the lead department should be to avoid building up in the Department of Political Affairs similar capacities already existing in the Department of Peacekeeping Operations, the Department of Field Support, or both;

(b) The development of a support strategy and service-level agreement between the Departments of Political Affairs and Field Support for the provision of administrative support to special political missions was still in progress; hence the Organization was still exposed to the risk of unclear responsibilities. OIOS would like to clarify that it is the responsibility of the Department of Political Affairs to ensure that the signed service-level agreement specified the type and level of services that the Department of Field Support should provide to special political missions. It is also important to ensure that the Department of Political Affairs sources the capacity for administrative and logistical support from the Department of Field Support and does not seek to build additional capacity within itself to provide backstopping support capacity that is already available in the Department of Field Support. *The Department of Political Affairs stated that it should not and would not seek to set up a logistics pillar or field personnel and finance division; however, the Department of Political Affairs required a few additional posts to enable regional divisions to better interface with the technical pillars of the Department of Field Support in order to improve support to specific missions. The Department of Political Affairs would seek to establish a small integrated operational team-type unit (a small special political mission support unit) in its Executive Office, with the necessary staff, preferably with specific work experience in the Department of Field Support, providing an interface with that Department in order to ensure smoother collaboration and service delivery.* The service-level agreement between the Departments of Political Affairs and Field Support should define the level of interface and coordination and specify the resources required in that regard, if necessary. Also, the capacity for interfacing and coordinating with the Department of Field Support should be included as part of a comprehensive review of the capacity of the Department of Political Affairs at Headquarters for the management and backstopping of special political missions;

(c) The development of policies and standard processes and guidelines as a tool for equipping the Department of Political Affairs desk officers to backstop special political missions was still in progress. Also, the Department of Political Affairs needed to develop standard operating procedures for the start-up planning for special political missions to facilitate the deployment of new such missions. Without such policies and guidelines, there was a risk that the management and backstopping of special political missions from Headquarters might be inconsistent or lacking in quality;

(d) The OIOS recommendations relating to the improvement of the quality of the budgets of special political missions had been implemented; however, the audit found that the control of the Department of Political Affairs over the preparation of the budgets of special political missions could be further improved. There was no documentation showing that heads of mission and Department of Political Affairs managers had adequately performed all the required layers of budget reviews stipulated in the annual strategic guidance of the Under-Secretary-General for Political Affairs;

(e) The Department of Political Affairs did not have a proper performance management system to measure and monitor how effectively the regional divisions and their staff were managing special political missions. The responsibilities of regional divisions and their staff had not been clearly defined. Also, the regional divisions did not include in the budgets of the Department for the bienniums 2008-2009 and 2010-2011 any performance indicators relating to the management and backstopping of special political missions because the Department had only recently added the backstopping responsibility of the regional divisions as a core activity in the draft of the its revised mandate, notwithstanding that the Department of Political Affairs had always been responsible for managing special political missions. The Department needed to develop and use, complementarily with respect to the existing results-based budgeting framework, appropriate performance indicators for regional divisions originating from the Secretary-General's compact with the Under-Secretary-General for Political Affairs;

(f) A recent OIOS audit of a special political mission found incidents that undermined the mission's working environment. Although heads of mission are responsible for ensuring a professional and ethical working environment in the field, OIOS is of the view that it is the responsibility of the Department of Political Affairs, as the lead department for field special political missions, to guide and monitor them on an ongoing basis;

(g) The development of accountability mechanisms for heads of special political missions led by the Department of Political Affairs had not been finalized, for example, the application of the Secretary-General's compact with senior managers to heads of mission had not been finalized, and not all heads of mission had agreed with the human resources action plans for their respective missions to improve the accountability of heads of mission on human resources management. As such, the reporting line and accountability between the concerned entities and officials at Headquarters and in the field remained unclear;

(h) From 1999 to 2009, the budgets of special political missions increased almost tenfold, from $47.5 million to $461.2 million (a three-fold increase without the budgets for the United Nations Assistance Mission in Afghanistan and the United Nations Assistance Mission for Iraq), but there was no corresponding increase in the

overall budget of the Department of Political Affairs. OIOS also found that the budget of the Department of Political Affairs did not distinguish the requirements for managing special political missions from those for other Department activities. Although a draft of the Department of Political Affairs mandate now recognized managing and backstopping of special political missions as a core activity, the Department of Political Affairs did not have a corresponding dedicated capacity for such a purpose. As regards large special political missions such as UNAMI, when the Department was, exceptionally, assigned the lead role, it should propose to the General Assembly an appropriate mechanism to use mission posts at Headquarters to ensure that it had stable and adequate capacity for providing backstopping services.

The Department of Political Affairs has made some progress in implementing the recommendations made by OIOS in its previous report, but more needs to be done to ensure effective and efficient backstopping of special political missions. OIOS will continue to follow up on the implementation by the Department of Political Affairs of the recommendations that are still in progress. In addition, OIOS makes a number of recommendations to address other issues identified in the present audit.

## Contents

| | | Page |
|---|---|---|
| I. | Introduction | 5 |
| II. | Roles and responsibilities of the Department of Political Affairs and other departments | 6 |
| | A. Division of responsibilities between the Departments of Political Affairs and Peacekeeping Operations | 6 |
| | B. Division of responsibilities between the Departments of Political Affairs and Field Support | 9 |
| | C. Coordination between the Department of Political Affairs and other United Nations partners | 11 |
| III. | Key management issues requiring the attention of the Department of Political Affairs | 13 |
| | A. Standard policy, procedures and guidelines for managing special political missions | 13 |
| | B. Controls over the submission of special political mission budgets | 14 |
| | C. Performance management and accountability | 16 |
| | D. Resource arrangement for the backstopping function of the Department of Political Affairs | 18 |
| IV. | Recommendations | 19 |
| Annex | | |
| | Special political missions by cluster | 22 |

# I. Introduction

1. Pursuant to General Assembly resolution 63/261, the Office of Internal Oversight Services (OIOS) conducted an audit of the management of special political missions by the Department of Political Affairs, as a follow-up to the previous OIOS report (A/61/357).

2. Special political missions, which are an integral part of the mandate of the Department of Political Affairs, play a key role in preventing, controlling and resolving conflicts, in addition to post-conflict peacebuilding. The Department of Political Affairs, under its current mandate (see ST/SGB/2000/10), is responsible for providing political guidance and instructions to special envoys and special representatives of the Secretary-General. Moreover, the Secretary-General, in his report on the strengthening of the Department of Political Affairs (A/62/521 and Corr.1), reaffirmed the Department's mandate in conflict mitigation, preventive diplomacy, post-conflict peacebuilding and the good offices of the Secretary-General.

3. Special political missions have ranged in size from a one-person entity, in the case of the Personal Envoy of the Secretary-General for Western Sahara, with an annual budget of $0.3 million to the 2,100-strong United Nations Assistance Mission in Afghanistan (UNAMA) with an annual budget of $178.4 million. As at June 2009, there were 27 special political missions, as detailed in the annex to the present document, with a total combined budget of $461.2 million for the period from 1 January to 31 December 2009 and 4,531 authorized posts (see A/63/346 and Corr.1 and Adds.1-7 and Add.1/Corrs.1 and 2 and Add.3/Corr.1). The Department of Political Affairs is the lead department responsible for managing 24 special political missions, and the Department of Peacekeeping Operations is the lead department for two such missions; one special political mission — the Counter-Terrorism Committee Executive Directorate — is a stand-alone entity. The proposed programme budget for the Department of Political Affairs for the biennium 2008-2009 (see A/62/6 (sect. 3) and A/62/521 and Corr.1) totalled $74.2 million, comprising $69.1 million from the regular budget and $5.1 million from extrabudgetary resources. The authorized staffing of the Department of Political Affairs as at April 2009 comprised 269 posts, including 49 posts recently approved for the strengthening of the Department (see General Assembly resolution 63/261) and the United Nations Liaison Office at Addis Ababa.

4. At United Nations Headquarters, the day-to-day management of special political missions is assigned to the regional divisions of the Department of Political Affairs, which are responsible for backstopping the missions, including by: (a) providing strategic and executive direction to missions on all issues related to the implementation of their mandates; (b) planning strategic focus and reprioritization in response to changes in political and other situations; (c) ensuring that all aspects of operational and administrative management of special political missions are adequately supported; (d) monitoring and overseeing the implementation of mandates; and (e) ensuring that missions fulfil the reporting requirements of the Secretary-General to Member States. The Executive Office of the Department of Political Affairs provides administrative support to the small cluster I and II missions, while the Department of Field Support supports cluster III and IV missions (see annex).

5. The main objective of the audit was to determine whether the recommendations contained in the previous OIOS report had been implemented and to assess the mitigating controls in place to address some high-risk areas that were identified by the OIOS risk assessment of the Department of Political Affairs and similar assessments conducted by the Department and the Board of Auditors. Those high-risk areas included: (a) internal governance and accountability mechanisms; (b) strategic planning and management; and (c) backstopping of special political missions and the coordination strategy of the Department of Political Affairs with partners. The audit also considered relevant findings and recommendations from other OIOS audits and evaluations of special political missions. Those included:

(a) Audit of the Secretariat's structure for managing and sustaining peacekeeping operations (A/63/837): the Secretariat is yet to develop the necessary governance and accountability mechanisms to ensure effectiveness and accountability in peacekeeping operations;

(b) Comprehensive audit of the United Nations Peacebuilding Support Office in Guinea-Bissau (AP2009/646/01): strong leadership, accountability and adherence to the United Nations code of conduct and ethics are necessary to address systematic management and administrative problems;

(c) Triennial review of the implementation of recommendations made by the Committee for Programme and Coordination at its forty-sixth session on the in-depth evaluation of political affairs (E/AC.51/2009/3);

(d) Report of OIOS on the in-depth evaluation of political affairs: field special political missions led by the Department of Political Affairs but supported by the Department of Field Support (E/AC.51/2008/2);

(e) Audit of the United Nations Office for West Africa and the United Nations Support to the Cameroon and Nigeria Mixed Commission (AP2007/560/02 and 03);

(f) Comprehensive audit of the United Nations Mission in Nepal (UNMIN) (AP2007/560/04).

6. Of the 15 recommendations made in the previous OIOS audit, 6 had been implemented, 7 were still in progress and 2 had been closed without implementation, as they had been overtaken by the establishment of the Department of Field Support. The following sections of the report discuss in detail the status of implementation of each of the 15 recommendations.

# II. Roles and responsibilities of the Department of Political Affairs and other departments

## A. Division of responsibilities between the Departments of Political Affairs and Peacekeeping Operations

7. Any structure with multiple organizational units performing similar tasks is exposed to the risks of duplication of responsibilities and unclear accountability. Under the current Secretariat structure, both the Department of Political Affairs and the Department of Peacekeeping Operations have political affairs officers performing similar tasks, such as: (a) maintaining up-to-date information on the

political situation and providing political and diplomatic analysis and related reports to the Secretary-General; (b) fulfilling the Secretary-General's reporting responsibility to Member States; and (c) leading field missions by planning, launching and managing them. To address those risks, OIOS made the following recommendations in its previous report:

> **Recommendation 1: The Department of Peacekeeping Operations should propose to the Secretary-General an updated mandate that clearly reflects its responsibilities for directing the substantive operations of the special political missions in addition to peacekeeping operations.**
>
> **Recommendation 3: The Secretary-General should develop and disseminate clear criteria for assigning the lead responsibility for managing the field missions to ensure transparency so that all parties involved have a clear understanding of their respective operational functions and responsibilities.**
>
> **Recommendation 4: The Secretary-General should amend the official mandates of the Departments of Political Affairs and Peacekeeping Operations to include reference to the lead department policy in order to enhance its visibility and transparency.**

8. With regard to recommendation 1, OIOS found that the mandate of the Department of Peacekeeping Operations has yet to be finalized; hence, its current mandate does not accurately reflect its present roles and responsibilities for directing the substantive operations of special political missions. During the audit by OIOS of the Secretariat's structure for managing and sustaining peacekeeping operations, the Department of Peacekeeping Operations provided OIOS with a copy of a draft of its revised mandate, including its expanded responsibility for special political missions. OIOS notes that the revision of the mandate of the Department of Peacekeeping Operations is nearing completion, but, until that is finalized, the implementation of recommendation 1 will be considered to be in progress. *The Departments of Peacekeeping Operations and Field Support stated that the Secretary-General's Bulletin was with the Office of Legal Affairs, having undergone formal review and clearance by the Department of Management.*

9. With regard to recommendations 3 and 4, OIOS found that the criteria for assigning the responsibility to lead a field mission to either the Department of Political Affairs or the Department of Peacekeeping Operations have not yet been finalized. The Executive Office of the Secretary-General indicated that the lead department policy would be updated once the mandates of the two Departments were revised; hence there are still no clear criteria nor is there a transparent decision-making mechanism to determine the department that should lead a special political mission. OIOS therefore considers the implementation of recommendations 3 and 4 as in progress. *With regard to recommendation 4, the Department of Political Affairs disagreed that a reference to the lead department policy was required in the Secretary-General's Bulletin, which was a public document. The lead department document and the process for designating the lead department needed to be discretionary and, as such, should remain an internal document for internal purposes.* OIOS maintains its view that the policy requires visibility and transparency.

10. The lead department concept was introduced in 1999 (see A/53/854/Add.1 and Corr.1) when a review of the relationship between the Departments of Peacekeeping Operations and Political Affairs was conducted to analyse the functions of regional divisions in each Department, including by addressing possible overlaps and duplication. At that point, it was clarified that responsibility of the lead department was to carry out all activities described in paragraph 4 above and to ensure coordination with other organizational entities concerned. The Department of Political Affairs generally takes the lead in preventive diplomacy, peacemaking and peacebuilding; the Department of Peacekeeping Operations takes the lead in peacekeeping.

11. In his 2002 report on the strengthening of the United Nations: an agenda for further change (A/57/387 and Corr.1), the Secretary-General reported that there was a need to give a sharper definition to the existing lead department policy. The Department of Political Affairs was to include in its focus preventive diplomacy, conflict prevention and peacemaking and to intensify its engagement in policy formulation across the full spectrum of the Secretariat's tasks in the domain of international peace and security. The Department of Peacekeeping Operations was to be the lead department for planning and managing all peace and security operations in the field, including those where the majority of personnel were civilians. The report also mentioned that the arrangement would not prejudice the current formula for financing these operations.

12. OIOS notes that field missions led by the Departments of Peacekeeping Operations and Political Affairs are in most cases distinct and assigned in accordance with the present definition, as outlined in A/53/854/Add.1 and Corr.1 and A/57/387 and Corr.1. In the view of the Office of Internal Oversight Services, that definition is based strictly on substantive considerations and does not include economic factors. In updating the lead department policy, a paramount economic consideration in assigning the lead department should be to avoid building up in the Department of Political Affairs similar capacities already existing in the Department of Peacekeeping Operations, the Department of Field Support or both. For example, the assignment of the Department of Peacekeeping Operations to lead UNAMA and the United Nations Integrated Office in Burundi (BINUB), both political missions, could be considered as an exception to the present lead department policy. The assignment of the Department of Peacekeeping Operations to lead UNAMA, however, effectively recognized the economic factors related to the size of a special political mission; this is to a great extent correlated with the lead department focus, i.e., preventive diplomacy as opposed to peace and security operations. As the Organization has already made heavy investment in the capacity of the Department of Peacekeeping Operations to manage large field operations over the years, OIOS is of the opinion that the Department of Peacekeeping Operations should be the lead department for all large special political missions unless a conscious and deliberate decision is made, on an exceptional basis, that the political or other benefit would be far greater than the economic advantages if a large special political mission were assigned to the Department of Political Affairs as the lead department. There is therefore a need for further definition of the criteria for assigning the lead department in order to ensure a fully transparent decision-making process and to mitigate the risk of developing parallel structures to support special political missions and other field missions assigned to the Department of Political Affairs. *The Department of Political Affairs did not agree with the comment of OIOS that the*

*assignment of the Department of Peacekeeping Operations to lead UNAMA effectively recognized the economic factors related to the size of a special political mission. The Department of Political Affairs further stated that, while that may have been true at the time when the Office of Mission Support was still an integral part of the Department of Peacekeeping Operations, the establishment of the Department of Field Support as a service provider to both the Departments of Political Affairs and Peacekeeping Operations had now removed those economies of scale within the Department of Peacekeeping Operations and had instead provided the Department of Field Support with the capability to provide service to both Departments' missions, regardless of size. The Department of Political Affairs was of the opinion that going forward, and with the provision of an integrated operational teams-type structure within the Executive Office of the Department of Political Affairs, the Department of Political Affairs would be equally equipped to manage large missions, as demonstrated by its management of both the United Nations Assistance Mission for Iraq (UNAMI) and UNMIN, both viewed as success stories by the General Assembly and the Security Council.* OIOS accepts that the creation of the Department of Field Support has changed the approach for the provision of administrative and logistics support services to missions. That change, however, does not impact the support provided by the Department of Peacekeeping Operations in areas related to military affairs, United Nations police, mine-action service, disarmament, demobilization and reintegration and other areas. Considering the heavy investment in the Department of Peacekeeping Operations to manage large missions, OIOS would reiterate that in general the Department of Peacekeeping Operations should be the lead Department for all large special political missions.

## B. Division of responsibilities between the Departments of Political Affairs and Field Support

13. Lack of clarity in the responsibilities of the Departments of Political Affairs and Field Support in monitoring the support activities provided to special political missions poses the risk of a responsibility gap that may adversely impact the implementation of the mandates of special political missions. The previous report of OIOS identified the risk of a responsibility gap in the monitoring and oversight of the use of resources allocated to special political missions. While in 2005 the Department of Political Affairs assigned to the then Office of Mission Support in the Department of Peacekeeping Operations the logistical and administrative support functions for field missions, terms of reference or operational agreements for such arrangements were not developed to address accountability and monitoring issues. OIOS therefore recommended that:

> **Recommendation 6: The Department of Political Affairs should establish a monitoring and oversight mechanism in the form of an operational agreement with the Department of Peacekeeping Operations [the former Office of Mission Support within the Department of Peacekeeping Operations, now the Department of Field Support] to address accountability for the budget resources of field missions in which the Departments carry out their respective substantive direction and administrative support functions.**

14. OIOS found that the development of a support strategy and service-level agreement between the Departments of Field Support and Political Affairs, as recommended in the audit by OIOS of the Secretariat's structure for managing and sustaining peacekeeping operations, has not yet been implemented; hence the Organization is still exposed to the risk of unclear responsibilities. OIOS would like to clarify that it is the responsibility of Department of Political Affairs to ensure that the signed service-level agreement specifies the type and level of services that the Department of Field Support should provide to special political missions. The Department of Political Affairs is also responsible for monitoring and overseeing the performance of the Department of Field Support in accordance with the standards and terms agreed in the service-level agreement. OIOS therefore considers the implementation of recommendation 6 as in progress.

15. Following are examples of the functions and performance standards that should be specified in the service-level agreement:

(a) According to a recent OIOS evaluation (E/AC.51/2008/2), special political missions raised concerns regarding the inadequacy of the recruitment process and the inability to quickly deploy staff with the right skills. As at 31 March 2009, the average vacancy rate in special political missions was 25 per cent. The Department of Political Affairs needs to determine and agree in its service-level agreement with the Department of Field Support the performance goal on recruitment;

(b) OIOS audits of the special political missions (AP2007/560/02 and 03 and AP2009/646/01) found weaknesses in internal control and non-compliance with regulations and rules, mainly owing to the hiring of inexperienced and untrained staff, the absence of an internal control framework appropriate for special political missions and insufficient management and oversight by the Department of Political Affairs. For example, special political missions were procuring goods and services without the authority to perform such a function and without a formal local committee on contracts. Special political missions also did not have proper information systems to administer procurement and property management. Moreover, it was not clear when to rely on the United Nations Development Programme (UNDP) for certain administrative tasks. The Departments of Political Affairs and Field Support need to consider those factors and the relevant performance indicators when finalizing the service-level agreement. The Department of Field Support had indicated that the weaknesses noted would be addressed in the service-level agreement.

16. It is also important to ensure that the Department of Political Affairs sources the capacity for administrative and logistical support from the Department of Field Support for clusters III (United Nations offices, peacebuilding support offices and commissions; see annex) and IV (UNAMA and UNAMI) missions and does not seek to build additional capacity within itself to provide backstopping support capacity that is already available in the Department of Field Support.

17. *The Department of Political Affairs stated that OIOS had missed a key aspect in the ability of the Department of Political Affairs to manage special political missions. The Department of Political Affairs did not have integrated operational teams, which, taking into consideration the support strategy of the Department of Field Support, were meant to address the gap between the Departments of Peacekeeping Operations and Field Support in the management of specific missions*

*in the field. The Department of Political Affairs further commented that integrated operational teams of the Department of Peacekeeping Operations were meant to provide mission-level support, while the Department of Field Support would deal with: the definition of strategy, policy and standards, the high-level managerial oversight of operations; training and capacity-building; resource stewardship; and reporting. In that support strategy, the Department of Peacekeeping Operations integrated operational teams were expected to continue managing mission-specific, cross-cutting policy and operational issues. The Department of Field Support was expected to interact with the integrated operational teams to address all mission issues that typically involved more than one division of the Department of Field Support and that were of a non-recurrent type. The expectation of the Department of Field Support was that the lead department would provide the necessary resources to integrate the various service pillars in the Department of Field Support for support at the mission-level; the Department of Field Support did not see coordination as part of its role.*

18. *The Department of Political Affairs stated that it should not and would not seek to set up a logistics pillar or field personnel or finance divisions. However, the Department of Political Affairs required a few additional posts to enable regional divisions to better interface with the technical pillars of the Department of Field Support in order to improve support to specific missions. The Department of Political Affairs would seek to establish a small integrated operational team-type unit (a small special political mission support unit) in its Executive Office, with the necessary staff, preferably with specific work experience in the Department of Field Support, providing an interface with the Department of Field Support and resulting in smoother collaboration and service delivery. That was the original idea expressed in the Secretary-General's proposals to strengthen the Department of Political Affairs (A/62/521, paras. 322 and 326-336), which was rejected, however, by the Advisory Committee on Administrative and Budgetary Questions and the General Assembly. The Department of Political Affairs further commented that, without such an interface, it could not effectively manage the operations for which it had ultimate responsibility.*

19. The service-level agreement between the Departments of Political Affairs and Field Support should define the level of services required to provide adequate backstopping support capacity to missions. The service-level agreement between the Departments of Political Affairs and Field Support at Headquarters level should define the level of interface and coordination and specify the resources in that regard, if necessary. Also, the Department of Political Affairs, as discussed later in the present report, should conduct a comprehensive review of its capacity at Headquarters for the management and backstopping of special political missions with a view to ensuring that this core function is performed effectively and efficiently. The necessary capacity for interface and coordination with the Department of Field Support should be included as part of that review.

## C. Coordination between the Department of Political Affairs and other United Nations partners

20. The Department of Political Affairs draws on and coordinates with other United Nations departments and entities when special political missions need guidance and direction on a wide range of substantive issues, including human

rights and humanitarian and development matters. Such coordination is not without risk, namely, that of failing to effectively maximize the complementarities and synergies between the Department of Political Affairs and other United Nations partners. The creation of the Peacebuilding Support Office also posed a further risk of duplication. To address those risks, OIOS made the following recommendations in its previous report:

> **Recommendation 2: The Department of Political Affairs should propose that the Secretary-General update the Department's mandate as the focal point within the United Nations for post-conflict peacebuilding to reflect the recent establishment of the Peacebuilding Commission and the Peacebuilding Support Office in order to clarify its responsibilities for managing and directing special political missions.**
>
> **Recommendation 13: The Department of Political Affairs should develop, in coordination with the Department of Peacekeeping Operations, a working-level methodology for establishing interdepartmental task forces and relevant terms of reference specifying functional responsibilities in managing the field missions.**
>
> **Recommendation 14: The Secretary-General should ensure that his strategy of forming interdepartmental task forces as promulgated in the lead department policy is being implemented effectively, thereby improving cooperation and coordination between the Departments of Political Affairs and Peacekeeping Operations.**
>
> **Recommendation 15: The Department of Political Affairs, in coordination with the Peacebuilding Support Office, should develop terms of reference that specify their respective roles and responsibilities in peacebuilding activities and formulate a coordination strategy to prevent possible duplication and overlap.**

21. OIOS found that, as regards the recommendations relating to the Peacebuilding Support Office (recommendations 2 and 15), the revision of the mandate of the Department of Political Affairs has yet to be finalized. The Department of Political Affairs has provided OIOS with a draft of its revised mandate, which reaffirms its role as the lead unit for post-conflict peacebuilding, with a provision stating that it will use the expertise of the Peacebuilding Support Office on peacebuilding. OIOS considers the implementation of recommendations 2 and 15 as in progress.

22. With regard to the recommendations relating to the interdepartmental task forces (recommendations 13 and 14), Decision No. 2008/24 of the Secretary-General had reaffirmed that integration was the guiding principle for all conflict and post-conflict situations where the United Nations had a country team and a multidimensional peacekeeping operation or a special political mission. By that Decision the Secretary-General instructed the lead departments to maintain task forces at Headquarters for each integrated United Nations presence to ensure coherent and consistent support and policy guidance. Following that Decision, the Department of Political Affairs has established nearly a dozen integrated task forces for special political missions. The Department of Peacekeeping Operations has also established similar task forces, called interdepartmental mission task forces. All Department of Political Affairs integrated task forces have detailed terms of reference. In light of the action taken, OIOS considers recommendations 13 and 14 as implemented.

23. To assess how the Department of Political Affairs meaningfully used integrated task forces, OIOS reviewed the coordination efforts by the United Nations on Somalia, where the Department of Political Affairs was the lead department. OIOS found that the Somalia working-level integrated task force met once every two months, contrary to the required frequency of once every two weeks. Further, some partners stated that discussions at the integrated task force working-level meetings were often limited to information-sharing rather than decision-making. OIOS is making a new recommendation in the present report (recommendation 1 below) for monitoring the functioning of integrated task forces to ensure greater complementarities and synergies between the Department of Political Affairs and other United Nations partners.

# III. Key management issues requiring the attention of the Department of Political Affairs

## A. Standard policy, procedures and guidelines for managing special political missions

24. To address the risk that the management and backstopping of special political missions from Headquarters may be inconsistent or lack quality, OIOS in its previous audit made the following recommendations:

> **Recommendation 10: The Department of Political Affairs should develop a set of standard operating procedures that provides desk officers with better management tools and increases the quality and consistency of the Department's support for special political missions.**
>
> **Recommendation 12: The Department of Political Affairs should develop exit strategies for all special political missions and present them in the proposed programme budgets to the General Assembly and periodic reports to the Security Council.**

25. Despite ongoing efforts by the Department of Political Affairs to develop standard operating procedures and guidelines, most of them were still in draft stage at the time of the present audit, e.g., guidance on the management of special political missions (field missions) by the Department of Political Affairs; guidance and templates on Department of Political Affairs end-of-assignment reports; and standard operating procedures on debriefing of senior managers in Department of Political Affairs-supported special political missions. Other management tools, such as the Department's Intranet portal, had not been finalized. OIOS therefore considers the implementation of recommendation 10 as in progress.

26. As regards recommendation 12, OIOS found that the annual budget instructions of the Under-Secretary-General for Political Affairs to all special political missions now require the submission of a "future outlook for the mission and information on possible completion and exit strategy". The instructions require special political missions to indicate, inter alia, how long the mission is expected to operate, which factors would determine the possible closing of the mission, who would inherit the task of the mission and what the transitional arrangement would be. In light of the action taken by the Department of Political Affairs, OIOS considers recommendation 12 as implemented.

**Guidelines for start-up planning**

27. OIOS audits found long delays in the start-up of UNMIN (AP2007/560/04) and the United Nations Office for West Africa (AP2007/560/02). Recognizing the need for start-up missions to be fully and immediately functional, the Department of Political Affairs initiated the development of standard operating procedures in that area, such as the guidelines on strategic assessment and some parts of the guidance on the management of special political missions. OIOS is making a new recommendation (number 2 below), since the Department of Political Affairs still lacked guidelines on certain operational aspects of mission start-up, including the following:

(a) Target deployment turnaround time from the date of mandate approval to the date the mission becomes reasonably operational;

(b) Formal process for the selection of and succession planning for the heads of missions to ensure timely and transparent recruitment for leadership positions;

(c) Modalities for integrated special political missions, which the Department of Political Affairs is in the process of developing. The Department needs to ensure that Decision No. 2008/24 of the Secretary-General, discussed in paragraph 22 above, is fully addressed, i.e., that the modalities take into consideration the programmes and budgets of all the Organization's capacity in the same country, such as the United Nations country team, in order to maximize the impact of the United Nations combined response and to minimize the risk of duplication.

## B. Controls over the submission of special political mission budgets

28. While the Department of Field Support provides, as an adviser, technical support for the budgeting process for special political missions, the Department of Political Affairs and the heads of mission are responsible for budget reviews, particularly as to the linkage between mission mandates, expected accomplishments, activities and strategic direction, all of which drive the financial resources needed. Controls relating to the review of budgets are intended to mitigate the risk that budget components such as expected outputs and accomplishments might not be properly set or properly linked to resources requested by providing the necessary layers of accountability over budget preparation, review and submission. To address that risk, the previous OIOS report made the following recommendations:

**Recommendation 5: The Department of Political Affairs should request the Department of Management to revise the current budget presentation by categorizing the entities funded under section 3B in order to clearly indicate the lead department responsibility for each operation.**

**Recommendation 7: The Department of Political Affairs should establish a formal working group for budget review, consisting of the representatives of the Under-Secretary-General, the regional divisions and the Executive Office of the Department.**

**Recommendation 8: The Department of Political Affairs should request resources in the context of the programme budget for the biennium 2008-2009 to appoint a staff member with budget expertise as the Department's overall focal point for overseeing and monitoring the budgets of the special political missions.**

**Recommendation 9: The Department of Political Affairs, in consultation with the Department of Management, should enhance budgetary controls by issuing performance reports of expenditures for the special political missions annually rather than biennially, to ensure that variance analysis is conducted annually.**

29. OIOS found that:

(a) The budget presentation for special political missions indicated that the Department of Peacekeeping Operations was the lead department for administrative management while the Department of Political Affairs was the lead for substantive management because the then Office of Mission Support within the Department of Peacekeeping Operations had been in charge of administrative support. The creation of the Department of Field Support as a service provider to the Department of Political Affairs clarified that the Department of Political Affairs was the lead department with regard to substantive matters for special political missions assigned to it. In the cases of UNAMA and BINUB, the proposed budgets and supplementary information for special political missions indicated the Department of Peacekeeping Operations instead of the Department of Political Affairs as the lead department. OIOS therefore considers recommendation 5 as implemented;

(b) The Department of Political Affairs has established, within its Executive Office, a formal working group for budget review. OIOS therefore considers recommendation 7 as implemented;

(c) Recommendation 8 has been overtaken by the establishment of the Department of Field Support and has been closed without implementation. The service level agreement between the Departments of Political Affairs and Field Support discussed above should determine how to monitor and oversee the budgets of special political missions, using the relevant expertise of the Department of Field Support and the existing internal controls of the Secretariat without building duplicative capacity in the Department of Political Affairs;

(d) The supplementary information to the annual proposed budgets for special political missions for 2009 included variance analysis for expenditures on an annual basis. That allowed Department of Political Affairs managers, heads of missions and legislative bodies to prepare and approve the annual budget for special political missions in a timely manner. OIOS therefore considers recommendation 9 as implemented.

30. Despite the implementation of recommendations 5, 7 and 9, OIOS is of the opinion that the control of the Department of Political Affairs over the preparation of the budgets of special political missions could be further improved. There was no documentation showing that heads of missions and Department of Political Affairs managers had adequately performed all the required layers of budget reviews stipulated in the annual strategic guidance of the Under-Secretary-General for Political Affairs. To ensure that budget reviews are properly documented, OIOS is making a new recommendation (number 3 below).

## C. Performance management and accountability

**Department of Political Affairs staff and regional divisions**

31. An inadequate performance evaluation mechanism may result in the inability to measure the effectiveness of the regional divisions, managers and staff of the Department of Political Affairs in managing and backstopping special political missions. To address that risk, the previous report of OIOS made the following recommendation:

> **Recommendation 11: The Department of Political Affairs should strengthen its performance evaluation of special political mission management activities by utilizing the number of policies it addresses for use by the missions and their staffing vacancy rates as performance indicators in the Department's results-based budgeting framework, and clearly link them with the Performance Appraisal System of desk officers and their managers.**

32. While the weakness being addressed by the above recommendation, i.e., inadequate performance evaluation, continued to exist, the recent restructuring of the Department of Peacekeeping Operations has overtaken parts of the recommendation in that the management of vacancy rates at special political missions is no longer the responsibility of the Department of Political Affairs; the Department of Field Support will now bear this responsibility.

33. More importantly, OIOS found that the regional divisions of the Department of Political Affairs did not include in the Department budgets for the bienniums 2008-2009 and 2010-2011 any performance indicators relating to the management and backstopping of special political missions because the current mandate of the Department of Political Affairs did not include them as core activities of the regional divisions, notwithstanding that the Department of Political Affairs has always been responsible for managing special political missions, except for those missions under the leadership and management of the Department of Peacekeeping Operations. OIOS is pleased to note that the Department of Political Affairs has recently added the backstopping responsibility of the regional divisions as a core activity in the draft of its revised mandate. OIOS also notes that the compacts of the Under-Secretary-General for Political Affairs with the Secretary-General and between the Assistant Secretaries-General in the Department of Political Affairs have clearly identified the responsibility of the Department of Political Affairs for managing special political missions; however, that activity can be reflected in the Department's results-based budget only after the biennium 2012-13. As an interim measure, OIOS recommends that the Department of Political Affairs develop and use, complementarily with respect to the existing results-based budgeting framework, appropriate performance indicators for regional divisions originating from the Secretary-General's compact with the Under-Secretary-General for Political Affairs. OIOS is closing recommendation 11 and making a new recommendation (number 4 below) to strengthen the evaluation of the performance of the regional divisions in managing special political missions and to address the following weaknesses:

(a) The responsibility of the regional divisions and their managers and staff for the backstopping of special political missions was not clearly defined. The recent evaluation by OIOS (E/AC.51/2009/3) showed that only three regional divisions had provided evidence of their workplans and that only two of the three divisional workplans had linked their objectives to the compact;

(b) The performance appraisal system of the desk officers, team leaders and division directors reviewed by OIOS did not specify detailed responsibilities for managing special political missions. Therefore, there was no assurance that the performance appraisal system was used to evaluate the performance of relevant Department of Political Affairs personnel at Headquarters against goals and expected success criteria in managing special political missions.

**Working environment at field special political missions**

34. A recent OIOS audit of a special political mission (AP2009/646/01) found interpersonal conflicts, poor management, a lax work environment and limited staff knowledge of core competencies, ethics, code of conduct and procedures for disciplinary matters and grievances, which undermined the working environment of the mission. Although the heads of missions are responsible for ensuring a professional and ethical working environment in the field, OIOS is of the opinion that it is the responsibility of the Department of Political Affairs, as the lead department for field special political missions, to guide and monitor those missions. OIOS notes that the senior management of the Department of Political Affairs had clearly demonstrated its commitment on that matter in the compacts of the Under-Secretaries-General and Assistant Secretaries-General; however, the Department has not clearly defined the responsibilities of the regional divisions and the heads of missions for:

(a) Monitoring the compliance of special political missions with the annual performance appraisal system evaluation requirement and various mandatory ethics training such as the integrity awareness initiative and courses on the prevention of workplace harassment, sexual harassment and abuse of authority and on ethics and integrity in the workplace;

(b) Providing easy access to and regularly informing the field special political mission staff about existing United Nations mechanisms on the handling of grievances such as the appeals and performance appraisal system rebuttal mechanisms, the Ethics Office, the Ombudsman's Office and the Staff Counsellor's Office;

(c) Developing a strategy on training, career management and mobility for staff at field special political missions using already existing systems within the Secretariat.

35. Also, the OIOS audit of the United Nations Office for West Africa found that there were delays in reporting to a group of donors, which may undermine the reputation of the Organization and disrupt the continuity of funding, as the agreement with donors stipulated that the release of the next instalments of contributions was conditional upon timely and satisfactory reporting. As at April 2009, seven special political missions had received contributions totalling $7.6 million from donors. That required periodic reporting to donors; however, the Department of Political Affairs did not prescribe the monitoring of the reporting of special political missions to donors as part of the duties of desk officers in any guidelines, and there was no evidence that Department desk officers had monitored the reporting of special political missions to donors. The Executive Office of the Department of Political Affairs informed OIOS that it would prescribe such monitoring as a responsibility of desk officers.

**Heads of special political missions**

36. OIOS noted the following weaknesses regarding the accountability of heads of missions:

(a) The directive (called general guidance) of the Under-Secretary-General for Political Affairs, which delegates most responsibilities regarding the operation of special political missions to heads of missions, has not been issued to all heads of missions. That situation may result in unclear accountability, particularly because the proposed programme budget for the biennium 2008-09 for the Department of Political Affairs (A/62/6 (sect. 3)) provides that the substantive responsibility for special political missions rests with the Department of Political Affairs;

(b) The development of other accountability mechanisms for heads of missions (for special political missions led by the Department of Political Affairs) has not been completed, e.g.:

(i) The application of the Secretary-General's compact with senior managers to heads of missions. *The Department of Political Affairs agreed with the need for developing the compacts but commented that implementation would be resource-intensive*;

(ii) Not all heads of missions have agreed with the human resources action plans for their respective missions to improve the accountability of heads of missions for human resources management.

## D. Resource arrangement for the backstopping function of the Department of Political Affairs

37. From 1999 to 2009, the budgets of special political missions increased almost tenfold, from $47.5 million to $461.2 million. Excluding the budgets for UNAMA and UNAMI from the latter figure, there was approximately a threefold increase, from $47.5 million to $134.4 million, but there was no corresponding increase in the overall budget of the Department of Political Affairs. OIOS also found that the Department's budget did not distinguish the requirements for managing special political missions from those for other Department activities. Although a draft of the Department of Political Affairs mandate now recognizes managing and backstopping of special political missions as a core activity, the Department did not have a corresponding dedicated capacity for such a purpose.

38. The authorized staffing of the regional divisions of the Department of Political Affairs comprises 111 posts, including 27 of the additional 49 posts recently approved. The Department is conducting a workload analysis and developing a methodology for support arrangements for special political missions to establish dedicated capacity. In that regard, the Department has reported (A/62/512 and Corr.1) to the General Assembly that the preliminary results of its analysis indicated the need for 25 additional posts in the Department of Political Affairs and 26 in the Department of Field Support for backstopping. *The Department of Political Affairs stated that it would request, through the annual special political mission budget process, additional resources to support the backstopping of missions to be funded from the special political mission provisions of the regular budget.*

39. The General Assembly approved in March 2009 an additional 49 posts in the Department of Political Affairs at Headquarters in response to the Secretary-General's proposal to strengthen the Department. None of those posts, according to

DPA, were intended for the management of special political missions; instead, they were aimed at strengthening mainly the preventive diplomacy and mediation capacity of the Department. In the opinion of OIOS, the Department's reform proposal did not make such distinction clear. The analysis did not show statistics of how resources were going to be distributed for the management of special political missions and for the performance of other major duties, which need to be included in future proposals to the Assembly. Such statistics will serve as a tool for the Assembly to identify the existing resources of the Department of Political Affairs and assess whether additional resources are needed for the management of special political missions. In the case of the Department of Peacekeeping Operations Office of Operations, which has 110 posts, there was no need for such statistics, as the Office's mandate and resources are used exclusively for tasks related to field missions, including special political missions.

40. As regards large special political missions such as UNAMI (cluster IV), when the Department of Political Affairs is exceptionally assigned the lead role, the Department should propose to the General Assembly an appropriate mechanism to use mission posts at Headquarters to ensure that it has stable and adequate capacity for providing backstopping services, bearing in mind that such a mechanism must not in any way build up any similar capacities for backstopping that may already exist in the Department of Peacekeeping Operations.

# IV. Recommendations

### Recommendation 1

41. The Department of Political Affairs should closely monitor the implementation of the integrated task force coordination strategy to ensure that coordination of efforts between the Department and other United Nations partners is maximized and that the risk of duplication in managing special political missions is mitigated.

42. *The Department of Political Affairs accepted recommendation 1.*

### Recommendation 2

43. The Department of Political Affairs, in consultation with the Department of Field Support, should develop guidelines for mission start-up planning covering: (a) target deployment turnaround time; (b) the formal process for the selection of and succession planning for heads of missions; and (c) the definition of standard modalities to choose from for establishing integrated missions aiming to maximize the impact of all United Nations capacity in the country.

44. *The Department of Political Affairs accepted recommendation 2. The Departments of Peacekeeping Operations and Field Support also concurred with the recommendation, stating that the mission start-up guide, coordinated by the Peacekeeping Best Practices Section of the Policy, Evaluation and Training Division of the Department of Peacekeeping Operations, was in an advanced stage of development. Further, a standard operating procedure on vacancy management and succession planning for senior mission appointments in peacekeeping operations and special political missions was promulgated in March 2009.*

**Recommendation 3**

45. The Department of Political Affairs should require heads of missions and Department regional division managers to document their review of special political mission budgets, in accordance with the control activities specified in the annual strategic guidance provided by the Under-Secretary-General for Political Affairs.

46. *The Department of Political Affairs accepted recommendation 3, stating that this process was already in place. The missions submit their budgets, which have been cleared by the heads of missions, to Department of Political Affairs desk officers, with the approval process in the mission documented in situ. Once the budgets arrive in the Department of Political Affairs, there is a clear approval process that goes through the respective directors, to the Assistant Secretaries-General, to the Under-Secretary-General, for transmission to the Department of Field Support for costing, then back to the Department of Political Affairs divisions for final review before approval by the Under-Secretary-General for onward forwarding to the Office of the Controller.* OIOS found, however, that the process was not sufficiently documented to provide assurance that responsible managers had adequately reviewed the budget submissions.

**Recommendation 4**

47. The Department of Political Affairs should clearly define the responsibility of the regional divisions and staff in their performance appraisal system to measure and monitor how effectively the regional divisions are managing and backstopping special political missions. Performance goals and indicators should be developed in close connection with the compact of the Under-Secretary-General for Political Affairs with the Secretary-General, divisional workplans and individual staff performance appraisals.

48. *The Department of Political Affairs accepted recommendation 4, stating that it would be immediately implemented in the new performance appraisal system cycle.*

**Recommendation 5**

49. The Department of Political Affairs should clearly define the responsibilities of the heads of special political missions and the managers of the regional divisions at Headquarters, including for: (a) monitoring the compliance of special political missions with the performance appraisal system and various United Nations-wide mandatory ethics training; (b) keeping staff of special political missions informed on how to handle appeals and grievances; (c) developing a strategy on staff training, career management and mobility, in order to strengthen the control environment and promote a professional and ethical working environment in field missions; and (d) monitoring reporting by special political missions to donors.

50. *The Department of Political Affairs accepted recommendation 5.*

**Recommendation 6**

51. The Secretary-General should expedite the implementation of accountability mechanisms for heads of special political missions led by the Department of Political Affairs, including the application of the Secretary-General's compact to heads of missions, to ensure adequate performance measurement and clear reporting lines and accountability.

52. *The Executive Office of the Secretary-General accepted recommendation 6 after consultation with the Departments of Political Affairs, Field Support, Peacekeeping Operations and Management, stating that detailed actions to implement that recommendation would be discussed in the next Management Performance Board meeting in September 2009.*

**Recommendation 7**

53. The Department of Political Affairs should conduct a comprehensive review of its capacity at Headquarters for the management and backstopping of special political missions, with a view to ensuring that this core function is performed effectively and efficiently. Such a review should show statistics on how resources are going to be distributed for the management of special political missions and for the performance of other major duties, which need to be included in future proposals to the General Assembly.

54. *The Department of Political Affairs accepted recommendation 7, stating that this would be done in 2010, once an evaluation of the impact on the strengthening of the Department was complete.*

**Recommendation 8**

55. The Department of Political Affairs should propose to the General Assembly an appropriate mechanism for using mission posts at Headquarters to ensure that it has stable and adequate capacity for providing backstopping services for large special political missions when the Department is assigned as the lead department on an exceptional basis, bearing in mind that such a mechanism must not in any way build up any similar capacities for backstopping that may already exist in the Department of Peacekeeping Operations.

56. *The Department of Political Affairs accepted recommendation 8, stating that it might submit a proposal, on a trial basis, in the context of the 2009 special political mission budget. The Department of Political Affairs did not agree, however, with the comments of OIOS that the mechanism proposed should "bear in mind that such a mechanism must not in any way build up any similar capacities for backstopping that may already exist in the Department of Peacekeeping Operations".* OIOS acknowledges that the creation of the Department of Field Support has changed the approach for the provision of administrative and logistical support to missions; however, that change does not impact the support capacity already existing in the Department of Peacekeeping Operations in areas related to military affairs, United Nations police, mine action service, disarmament, demobilization and reintegration and other areas. Considering the heavy investment in the Department of Peacekeeping Operations to manage large missions and in order to avoid the building of duplicative structures, OIOS would reiterate that in general the Department of Peacekeeping Operations should be the lead department for all large special political missions.

(*Signed*) Inga-Britt **Ahlenius**
Under-Secretary-General
Office of Internal Oversight Services

# Annex

## Special political missions by cluster

| Name | Requirements for 2009 (in thousands of dollars)[a] | Number of staff | Lead department | Administrative support department | Head of mission: title/level |
|---|---|---|---|---|---|
| ***Cluster I.*** **Special and personal envoys, special advisers and personal representatives of the Secretary-General and Office of the United Nations Special Coordinator for Lebanon** | | | | | |
| 1 Special Envoy of the Secretary-General for Myanmar | 586.1 | 3 | Department of Political Affairs | Department of Political Affairs | Special Adviser to the Secretary-General/Under-Secretary-General (USG) |
| 2 Special Adviser to the Secretary-General on Cyprus | 5 648.6 | 24 | Department of Political Affairs | Department of Field Support | Special Adviser to the Secretary-General/USG |
| 3 Special Adviser to the Secretary-General on the Prevention of Genocide | 880.8 | 6 | Department of Political Affairs | Department of Political Affairs | Special Adviser to the Secretary-Genera |
| 4 Personal Envoy of the Secretary-General for Western Sahara | 346.4 | 1 | Department of Political Affairs | Department of Political Affairs | Personal Envoy of the Secretary-General/USG |
| 5 Special Envoy of the Secretary-General for the implementation of Security Council resolution 1559 (2004) | 611.6 | 3 | Department of Political Affairs | Department of Political Affairs | Special Envoy of the Secretary-General/USG |
| 6 Office of the United Nations Special Coordinator for Lebanon | 5 463.5 | 81 | Department of Political Affairs | Department of Field Support | Special Coordinator of the Secretary-General/USG |
| 7 Special Envoy of the Secretary-General for Lord's Resistance Army-affected areas | 1 491.2 | 6 | Department of Political Affairs | Department of Field Support | Special Envoy of the Secretary-General/USG |
| **Total** | **15 028.2** | **124** | | | |
| ***Cluster II.*** **Sanctions monitoring teams, groups and panels** | | | | | |
| 1 Monitoring Group on Somalia | 1 393.8 | 2 | Department of Political Affairs | Department of Political Affairs | Not applicable |
| 2 Panel of Experts on Liberia | 542.8 | — | Department of Political Affairs | Department of Political Affairs | Not applicable |
| 3 Group of Experts on Côte d'Ivoire | 1 334.0 | 1 | Department of Political Affairs | Department of Political Affairs | Not applicable |
| 4 Group of experts on the Democratic Republic of the Congo established pursuant to resolution 1533 (2004) | 1 523.8 | 1 | Department of Political Affairs | Department of Political Affairs | Not applicable |
| 5 Panel of Experts on the Sudan | 1 384.8 | 2 | Department of Political Affairs | Department of Political Affairs | Not applicable |

| | *Name* | *Requirements for 2009 (in thousands of dollars)*[a] | *Number of staff* | *Lead department* | *Administrative support department* | *Head of mission title/level* |
|---|---|---|---|---|---|---|
| 6 | Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) concerning Al-Qaida and the Taliban and associated individuals and entities | 3 952.3 | 10 | Department of Political Affairs | Department of Political Affairs | Not applicable |
| 7 | Support to the Security Council Committee established pursuant to resolution 1540 (2004) | 2 719.7 | 5 | Department of Political Affairs | Department of Political Affairs | Not applicable |
| 8 | Counter-Terrorism Committee Executive Directorate (CTED) | 7 955.4 | 38 | CTED; Department of Political Affairs provides Secretariat support servicing the Counter-Terrorism Committee | CTED has its own administrative support capacity | Executive Director/ Assistant Secretary-General (ASG) |
| | **Total** | **20 806.6** | **59** | | | |
| ***Cluster III.*** **United Nations offices, peacebuilding support offices and commissions** | | | | | | |
| 1 | Office of the Special Representative of the Secretary-General for West Africa | 5 778.2 | 30 | Department of Political Affairs | Department of Field Support | Special Representative of the Secretary-General (SRSG)/USG |
| 2 | United Nations Peacebuilding Support Office in the Central African Republic | 9 308.3 | 96 | Department of Political Affairs | Department of Field Support | SRSG/ASG |
| 3 | United Nations Peacebuilding Support Office in Guinea-Bissau | 4 829.7 | 32 | Department of Political Affairs | Department of Field Support | Representative of the Secretary-General (RSG)/D-2 |
| 4 | United Nations Political Office for Somalia | 6 154.1 | 81 | Department of Political Affairs | Department of Field Support | SRSG/USG |
| 5 | United Nations Integrated Peacebuilding Office in Sierra Leone | 15 204.0 | 73 | Department of Political Affairs | Department of Field Support | Executive Representative of the Secretary-General (ERSG) and UNDP Resident Coordinator/ASG |
| 6 | United Nations support to the Cameroon-Nigeria Mixed Commission | 7 685.4 | 22 | Department of Political Affairs | Department of Field Support | SRSG/USG |
| 7 | International Independent Investigation Commission | 4 056.7 | 73 | Department of Political Affairs | Department of Field Support | Commissioner/USG |
| 8 | United Nations Regional Centre for Preventive Diplomacy for Central Asia | 1 788.2 | 25 | Department of Political Affairs | Department of Field Support | SRSG/ASG |
| 9 | United Nations Integrated Office in Burundi | 39 025.4 | 452 | Department of Peacekeeping Operations | Department of Field Support | ERSG/ASG |

| *Name* | *Requirements for 2009 (in thousands of dollars)*[a] | *Number of staff* | *Lead department* | *Administrative support department* | *Head of mission title/level* |
|---|---|---|---|---|---|
| 10 United Nations Mission in Nepal | 4 840.8 | 309 | Department of Political Affairs | Department of Field Support | RSG/D-2 |
| **Total** | **98 670.8** | **1 193** | | | |
| ***Cluster IV.* United Nations Assistance Missions in Afghanistan and Iraq** | | | | | |
| 1 United Nations Assistance Mission in Afghanistan | 178 436.2 | 2 100 | Department of Peacekeeping Operations | Department of Field Support | SRSG/USG |
| 2 United Nations Assistance Mission for Iraq | 148 287.8 | 1 055 | Department of Political Affairs | Department of Field Support | SRSG/USG |
| **Total** | **326 724.0** | **3 155** | | | |
| **Grand total** | **461 229.6** | **4 531** | | | |

[a] All figures are from A/63/346 except those for the United Nations Political Office for Somalia, the International Independent Investigation Commission and the United Nations Mission in Nepal, which are from A/63/346/Add.6.

United Nations A/64/295

General Assembly

Distr.: General
17 August 2009

Original: English

**Sixty-fourth session**
Item 69 (a) of the provisional agenda*
**Elimination of racism and racial discrimination, xenophobia and intolerance**

# Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

## Note by the Secretary-General

The Secretary-General has the honour to transmit to members of the General Assembly the report submitted by Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on the implementation of General Assembly resolution 63/162.

* A/64/150.

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# Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 63/162

*Summary*

The present report to the General Assembly is submitted pursuant to Assembly resolution 63/162 on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which requests the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to prepare a report on the implementation of the resolution, based on the views collected from stakeholders.

Following a brief introduction on the content of resolution 63/162, the Special Rapporteur summarizes the contributions sent by 18 States on the implementation of the resolution and then puts forward a number of conclusions and recommendations.

# Contents


Page

I. Introduction ..... 4

II. Contributions received by Member States ..... 5

A. Bosnia and Herzegovina ..... 5

B. Cyprus ..... 5

C. Guatemala ..... 7

D. Iraq ..... 8

E. Japan ..... 9

F. Kazakhstan ..... 10

G. Lebanon ..... 11

H. Mauritius ..... 11

I. Monaco ..... 12

J. Morocco ..... 13

K. Russian Federation ..... 14

L. Spain ..... 15

M. Switzerland ..... 16

N. Syrian Arab Republic ..... 17

O. Togo ..... 18

P. Turkmenistan ..... 19

Q. Ukraine ..... 20

R. Venezuela (Bolivarian Republic of) ..... 21

III. Conclusions and recommendations ..... 21

# I. Introduction

1. In its resolution A/63/162, the General Assembly, alarmed at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, noted with concern, in paragraph 4, "the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report" (A/63/339).

2. In paragraph 5 of the resolution, the Assembly reaffirmed that "such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination".

3. In paragraphs 7 and 8, the Assembly stressed that "such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups" and emphasized "the need to take the necessary measures to put an end to the practices described above".

4. In the context of the foregoing, the Assembly, in paragraph 11, recalled "the request of the Commission on Human Rights in its resolution 2005/5 that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations". In paragraph 12, the General Assembly requested "the Special Rapporteur to prepare, within existing resources, for submission to the General Assembly at its sixty-fourth session and the Human Rights Council, reports on the implementation of the present resolution based on the views collected in accordance with the request of the Commission on Human Rights", as recalled by the Assembly in paragraph 11 of the resolution.

5. In accordance with practice established in previous reports, the present report summarizes information received on activities undertaken by Member States pursuant and relevant to resolution 63/162. In preparing the report, the Special Rapporteur requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to send a note verbale on 12 May 2009 to Member States requesting information on the implementation of the resolution, to be received by 21 June 2009.

6. Following the request for contributions, submissions were received up to 12 August 2009 from 18 Member States namely, Bosnia and Herzegovina, Cyprus, Guatemala, Iraq, Japan, Kazakhstan, Lebanon, Mauritius, Monaco, Morocco, the Russian Federation, Spain, Switzerland, the Syrian Arab Republic, Togo, Turkmenistan, Ukraine and Venezuela (Bolivarian Republic of). The information

received from Member States is summarized in the present report. The original text of the contributions is available for consultation at the Secretariat.

# II. Contributions received by Member States

## A. Bosnia and Herzegovina

7. In its reply, Bosnia and Herzegovina indicated that according to its Constitution, all persons in its territory are equal in exercise of their human rights and fundamental freedoms. In this regard, reference was made to the right to life and the rights to personal freedom and security, which include the ban of torture, inhuman treatment and punishment, the ban of slavery, freedom of thought, conscience and religion, freedom of expression, rights to peaceful gathering and choice of residence.

8. Bosnia and Herzegovina referred to the European Convention on Human Rights, which directly applies within its jurisdiction. Consequently, the general ban on discrimination as contained in the European Convention on Human Rights and its Protocol 12 apply in Bosnia and Herzegovina. In its reply, Bosnia and Herzegovina also referred to other international human rights instruments based on the principle of the prohibition of discrimination.

9. Bosnia and Herzegovina reaffirmed its commitment to the development of a democratic society and European integration process without retrograding elements such as fascist and neo-fascist organizations, which unfortunately played a significant role in the tragic conflict from 1992 to 1995. Having learned from this negative experience, Bosnia and Herzegovina has recently put in place a law on the ban of work of all fascist and neo-fascist organizations in Bosnia and Herzegovina and the use of their symbols. The Government emphasized that this law was in line with international human rights standards and contributed to a great extent to the enhancement and implementation of human rights within the national legal system.

## B. Cyprus

10. In its reply, Cyprus provided information indicating that since May 2004, when it joined the European Union, significant efforts, in particular in terms of legislation, structural changes and awareness-raising have been made in the area of anti-discrimination by all competent national authorities.

11. With regard to its legislation, Cyprus pointed out that it had ratified most European and United Nations Conventions relating to discrimination. Following amendments to the Law ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, Cyprus has defined specific criminal offences related to racial, ethnic or religious discrimination. In addition, a number of laws have been adopted in the area of discrimination. They include the 2004 Equal Treatment (Racial or Ethnic Origin) Law; the 2004 Equal Treatment in Employment and Occupation Law; the revised 2000 Persons with Disabilities Law; the Criminal code (Amendment) Law No. 4(1)/2002 relating to the abolition of any discriminatory legal provision with regard to homosexual acts; the 2008 Equal Treatment of Men and Women (Access to Goods and Services) Law; and the revised

2002 Equal Treatment between Men and Women in Employment and Vocational Training. Other laws have also been enacted in relation to asylum-seekers, detainees and the principle of the reversal of burden of proof. Currently, provisions are being considered in order to enable racist motives to be taken into consideration as an aggravating factor in sentencing.

12. Cyprus described various remedies available in case of discrimination in the enjoyment of human rights guaranteed by its Constitution. In this respect, individuals can sue the State or private persons in civil courts. In accordance with the 2004 Combating of Racism and Other Discrimination (Commissioner) Law, the Commissioner for Administration has been vested with special competencies, duties and powers for combating and eliminating discrimination in both public and private sectors. Under the provisions of this law, the Ombudsman may receive complaints by any person or group who have been subjected to discrimination in the enjoyment of rights safeguarded by the Constitution or by the applicable international human rights instruments. In addition, a mechanism has been created for investigating complaints against police misconduct, including human rights violations. In relation to remedies, Cyprus also provided information about the creation of the Cyprus Equality Body, comprised of the Anti-discrimination Body and the Equality Authority. The Anti-discrimination Body handles claims regarding discrimination in relation to access and supply of goods and services, social security and social protection schemes, education and health care, while the Equality Authority deals with claims regarding discrimination in the workplace.

13. Following the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance, a National Action Plan against Racism was drawn up in Cyprus. The development of the plan was a significant opportunity to build upon and enhance existing policies and strategies to combat racism in Cyprus and to identify new priorities, aspirations and areas of work that could be drawn together into the overall, cohesive plan. Following this plan, several other national plans were set up, including the National Plan for Employment, the National Action Plan for Social Inclusion and the National Action Plan on Gender Equality. National policies for people with disabilities were also introduced.

14. Numerous awareness-raising activities have been undertaken by Cyprus in the area of non-discrimination. Some of them focused on the education and vocational training of police members; the rights and obligations of the employees and employers; equality issues in schools; the Ombudsman's competences; guidelines for media professionals to ensure the use of non-discriminatory language in their text and the ways with which media can help foster equality; and the situation of refugees.

15. In its reply, Cyprus furthermore provided comprehensive information about several good practices undertaken in the area of non-discrimination. Those good practices relate to the protection of several categories of persons, including women, immigrants, refugees, asylum-seekers, members of the Turkish community in Cyprus, domestic workers and victims of trafficking. These good practices cover a wide array of issues, including the conduct of police officers; the investigations of complaints against police misconduct; ethnic profiling; the existence of media for minorities; the conduct of surveys; housing projects; and access to health care.

## C. Guatemala

16. While racial discrimination continues to exist worldwide, often leading to xenophobia, violence and in extreme cases, genocide, Guatemala affirmed in its reply that it has sought to establish a multilingual, multi-ethnic and pluricultural country whose policies strongly reject xenophobia or the establishment of any neo-Nazi or racist organizations. With the signing of the 1996 Peace Accords and in the framework of developing a culture of peace, Guatemala has sought to combat racial discrimination and intolerance and to foster respect for the rights of the indigenous peoples in the country.

17. At the national level, Guatemala stressed that policies have been established to allow foreigners to enter the country along with those seeking asylum, in compliance with the 1951 Geneva Convention relating to the Status of Refugees and its Protocol. The Law on Migration (legislative decree 95-98) stipulates that "... foreigners can be prohibited from entering or expelled from the country in the interests of maintaining public order and protecting State security. A reasoned decision must be prepared by the Director General of Migration before a non-national can be expelled".

18. It was noted that while Spanish is the official language of the State, there are 24 other languages spoken in the country. These, however, are limited to the private sphere and have minimum representation at the State level. Reference was made to article 66 of the Constitution which recognizes the ethnic diversity of the country, but does not, however, affirm the Accord on the Identity and Rights of Indigenous Peoples, which describes Guatemala as a multi-ethnic, pluricultural and multilingual state. It was noted that the 1999 Constitutional reform project attempted to address this issue but was met with resistance from the majority of the population.

19. The Government's public policy agenda on indigenous peoples, in accordance with the Peace Accords for the period between 2005 to 2012, resulted in the establishment of the Presidential Secretariat on Planning and Programming. It is one of the main State institutions tasked with ensuring the implementation of the Accord on the Identity and Rights of Indigenous Peoples. In 2006, the Presidential Secretariat, in coordination with the Vice-Presidency of the Republic and the Presidential Commission on Racism and Discrimination against Indigenous Peoples in Guatemala, carried out a study on the economic costs of discrimination. The study was used as the basis for the development of public policy on the elimination of racism and racial discrimination.

20. Guatemala referred to the importance of eliminating racist practices and discrimination against indigenous and Afro-descendant peoples and noted that the challenge lies not only with public institutions but with all members of society. Reference was made to the economic, social and political inequalities which mainly affect indigenous peoples. Within the framework of the Peace Accords and the Durban Declaration and Programme of Action adopted at the World Conference against Racism, institutional mechanisms have been established to combat racism including the aforementioned Presidential Commission, the Mayan Language Institute of Guatemala, and the State Congress Committee for indigenous peoples. Guatemala also indicated that the rights of the indigenous peoples have been strengthened through the System of the Councils of Rural and Urban Development. Public policy initiatives, such as the Public Policy on the Elimination of Racial

Discrimination, have also been introduced to ensure that indigenous peoples and other social groups are protected from racial discrimination or social and economic exclusion. In addition, social programmes have been established through the Presidential Secretariat to promote public participation, economic development, access to justice and health care and for indigenous peoples.

21. Guatemala stressed that it has ratified the International Convention on the Elimination of All Forms of Racial Discrimination. Reference was also made to relevant legislative decrees, which introduced the crime of racial discrimination and which amended the Labour Code by prohibiting any type of racist discrimination within the workplace.

22. The Institute for Public Defence also provides training and cultural sensitization programmes for Public Prosecutors and those working in the legal sphere. Fifteen Public Prosecutors representing the indigenous community were appointed to ensure that legal representation is provided in local languages. Finally, reference was made to the human rights coordination within the Institute of Public Criminal Defence as the agency responsible for monitoring the implementation of all measures for the elimination of any form of racial discrimination.

## D. Iraq

23. In its reply, Iraq stated that notwithstanding the efforts to eliminate apartheid and race hate policies, racist practices and racial discrimination continue to afflict the world. New tools must therefore be created to combat racism and to further international cooperation. Iraq referred to the decisive role of the media in disseminating information on ways and means of combating racism.

24. At the national level, Iraq provided information on its support and assistance to international efforts to combat racial discrimination in all its forms. In this regard, reference was made to the relevant provisions contained in articles 2, 7, 14, 16, 20, 41, 42 and 43 of Iraq's Constitution. Reference was also made to legislation on the protection of minorities, such as the amendment to article 50 of the Regional Councils Election Act, which guarantees freedom to perform religious rituals, freedom of expression and opinion and the right to learn one's mother tongue. The rights of foreigners living in Iraq are also protected.

25. With regard to the relevant international legal instruments, Iraq indicated that it had ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Elimination of All Forms of Racial Discrimination. Under the International Convention on the Elimination of All Forms of Racial Discrimination, Iraq submitted 14 reports on the implementation in its territory of the various articles of the Convention, including articles 4 and 5, which require States to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, discrimination and to guarantee the full rights of everyone, without distinction as to race, colour, or national or ethnic origin.

26. Finally, Iraq underlined its new approach adopted in 2003, which emphasizes international cooperation and solidarity and the application of the principles of good neighbourliness. In doing so, Iraq seeks to create a climate of tolerance and to eliminate all the tensions experienced by the country as a result of the way the

former regime dealt with the international community, in particular with neighbouring States.

## E. Japan

27. In its reply, Japan referred to its Constitution, which provides that "all of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin".

28. Japan has set up several legal provisions in order to sanction dissemination of discriminatory ideas, incitement to racial discrimination and violence perpetrated against an ethnic or racial group. For instance, whereas there are no specific domestic provisions that stipulate what constitutes a racially discriminatory expression, the criminal code punishes the dissemination of ideas which constitute a crime of defamation, an insult or damage, credit or obstruction of business. If these ideas include threatening content, then they might be punishable as a crime of intimidation. Likewise, although there is no specific law to severely punish violence against a certain group, the criminal code contains riot provisions for cases in which a large number of persons assemble and use violence or threat and other criminal provisions such as rape, homicide, bodily injury, unlawful meeting and assembly with dangerous weapons and robbery. Concerning incitement to racial discrimination, it is punishable as a crime of instigation, according to the criminal code.

29. In addition, regulations in the field of telecommunication have been adopted. According to the Broadcast Law, each broadcasting company has the duty to broadcast properly, lest any broadcast programme should harm public security, good morals and manners by disseminating or inciting racial discrimination and by justifying or encouraging violence. As for the Internet, the Association of Electronic Networks organized by personal computer communication service providers formulated a Code of Ethics and the Rules and Manners for Users of Personal Computer Communication in order to prevent ethical problems, such as slander or abuse of others based on racial hatred, from arising. A number of guidelines have also been drafted by industry associations so as to prevent illegal and harmful information on the Internet, including racist information. They include the Guidelines for Business Practices of Internet Service Providers, the Model Provision for Internet Subscription Contracts, the Guidelines for Providing Internet Services and the Guidelines for Defamation and Privacy. Furthermore, since August 2005, the Japanese Government has convened the Study Group on Countermeasures against Illegal/Harmful Information on the Internet.

30. On the question of the prohibition of groups that promote or incite racial discrimination, as prescribed by article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, Japan indicated that there exists no such provision in its legal system. However, if an organization promoting or inciting racial discrimination engages in violent, destructive activities contrary to the Subversive Activities Prevention Law, the said Law, under certain conditions, may restrict its activities, order its dissolution, or punish it or its members.

31. Finally, Japan provided information about various activities which promote human rights-oriented education in schools. The Ministry of Education, Culture,

Sports, Science and Technology has implemented various projects designed to improve and enrich the methods of human rights education, including designating a certain number of schools for research on human rights education.

## F. Kazakhstan

32. In its reply, Kazakhstan indicated that its policy was based on respect for the interests of all ethnic groups. Vigorous efforts have been made to take specific steps at the national, regional and international levels, to protect human rights and in particular to fight racial discrimination, xenophobia and related intolerance, as well as discrimination against persons affected by various pandemic diseases and other forms of discrimination.

33. At the international level, Kazakhstan has acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, which takes precedence over domestic law. It respects its reporting obligations and reviews major domestic regulatory and legal acts accordingly. Due attention is also paid to all the issues raised in the Durban Declaration adopted at the World Conference and Kazakhstan fully complies with the recommendations contained therein, both in its legislation and in social relations in the social, economic, political, cultural, ethnic and religious spheres. Accordingly, article 14, paragraph 2, of the Constitution states: "No one shall be subject to any discrimination based on descent, social origin, professional status, personal assets, gender, race, ethnicity, language, religion, beliefs, place of residence or any other consideration."

34. Under the Education Act, fundamental principles of State educational policy include the principle that all citizens have an equal right to education and that all segments of society shall have access to education at all levels. In addition, all citizens of Kazakhstan, regardless of ethnic, racial, religious or social background, enjoy equal access to education, including education in their mother tongue. School curricula at all grade levels include various activities designed to consolidate a culture of inter-ethnic and interracial understanding.

35. The Assembly of the People of Kazakhstan is a consultative body with constitutional status that brings together the cultural heritage organizations of all ethnic groups living in Kazakhstan. As such, it ensures that the interests of all ethnic groups are respected at the highest legislative level. Cultural heritage organizations have Sunday schools that provide instruction in the language, traditions and history of their particular ethnic group.

36. In addition to the above, a special inter-ethnic relations research centre has been established under the Ministry of Culture and Information. The centre draws up an ethnic map of Kazakhstan each year based on its research. It regularly studies migration processes and the social well-being of various ethnic minorities. It also makes recommendations to State bodies based on its findings.

37. In the field of media, Kazakhstan emphasized that one of their main responsibilities was to instil in the public a strong sense of the need to preserve the existing level of inter-ethnic harmony and to prevent potential crises from disrupting social stability. Public awareness activities in this area entail the production of topical broadcasts, the regular airing of national television spots and the publication of specialized materials, articles, interviews and opinion pieces in the national press.

In addition to its targeted public relations work, the Ministry of Culture and Information devotes considerable attention to studying and analysing materials published and broadcast on this topic. For example, the electronic and print media and websites are constantly monitored for incitement to ethnic hatred and other unlawful actions.

## G. Lebanon

38. In its reply, Lebanon indicated that the General Security Department concentrates on improving conditions for foreigners, including their health and conditions of detention. The Government of Lebanon puts emphasis on treating foreigners in a manner consistent with humanitarian law and human rights standards and with the prevailing laws, which apply to Lebanese nationals and foreigners alike.

39. The Government of Lebanon furthermore stressed its commitment to ensure that foreigners are not subjected to acts of intolerance and racism and that their rights, such as the rights to peaceful assembly and to freedom of opinion are protected. It reiterated that it was bound by international instruments on the elimination of all forms of racial discrimination.

## H. Mauritius

40. In its response, Mauritius indicated that Section 3 of its Constitution provides that certain human rights and fundamental freedoms shall exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but they are subject to respect for rights and freedoms of others and for the public interest. Those rights and freedoms include the right to life, liberty, security of the person and the protection of the law; freedom of conscience, expression, assembly and association and freedom to establish schools; and the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation.

41. Section 16 of the Constitution specifically provides for protection from discrimination on the grounds of race, caste, place of origin, political opinions, colour, creed or sex. The Equal Opportunities Act, which is not yet in force, covers the different aforementioned grounds of discrimination and adds other grounds of discrimination. The Act also provides for the establishment of an Equal Opportunities Commission and an Equal Opportunities Tribunal.

42. Mauritius also provided information about the National Human Rights Commission, which is empowered to enquire into any written complaint from any victim alleging a human rights violation by the act or omission of a person acting under the State authority. In addition to the police authorities, citizens may also have recourse to the Office of the Ombudsman and to the Office of the Attorney-General. Any individual may resort to the Supreme Court, if one of his or her fundamental rights has been or is likely to be breached.

43. Material which is indecent, obscene or offensive to public morals or offensive to religious convictions or feelings of any section of the population is prohibited or

sanctioned under the Information and Communication Technologies Act 2001 or under the independent Broadcasting Authority Act.

44. The Sex Discrimination Division of the National Human Rights Commission is empowered to receive and enquire into any written complaints regarding alleged infringements of the Sex Discrimination Act and to make recommendations in various fields, including employment and education. Sexual discrimination is generally understood as discrimination based on sex, marital status, pregnancy or family responsibility.

45. Finally, Mauritius provided information about various offences pertaining to discrimination in its criminal code which allow the police to carry out investigations and which can be prosecuted by the Office of the Director of Public Prosecutions.

## I. Monaco

46. In its reply, Monaco indicated that the enjoyment of fundamental freedoms was guaranteed by its Constitution without distinction based on race, colour, sex, language, religion, political opinion or any other ground.

47. At the international level, Monaco has ratified the European Convention on Human Rights and other international instruments relating to racism and intolerance, including the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention relating to the Status of Refugees, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In addition, Monaco has made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State party of any of the rights set forth in the International Convention on the Elimination of All Forms of Racial Discrimination.

48. Monaco has enacted specific legislation in order to fight the phenomena of racism and intolerance, including the 2005 law on public freedom of expression, which punishes those who incite hatred or violence against persons or groups of persons on the basis of ethnicity, nationality, race, religion or sexual orientation. Other legal provisions aimed at protecting human dignity against the dissemination of violent and pornographic messages have also been put into place. In addition, a law has been enacted in order to prohibit the collection, processing and use of disaggregated data on the basis of race and religion, unless the individuals concerned give their consent.

49. Currently, the inclusion in the criminal code of a definition of racial discrimination and of aggravating circumstances due to the racist, anti-Semitic or xenophobic nature of the offence, are being considered. In any event, crimes or offences with such motives are actually punishable under ordinary law.

50. Monaco indicated that its magistrates are offered training, which includes human rights education, in particular in the area of discrimination. Police officers

also receive specific instructions in order not to discriminate individuals on the basis of their nationality, origins or religious beliefs.

51. In the field of education, measures have been taken in order to ensure that children with various backgrounds are treated equally. Initiatives in human rights education have also been launched in order to familiarize children and teachers with human rights. For instance, a campaign called "All different, all equal: youth campaign for diversity, human rights and participation" has been implemented at the national level in all educational institutions.

## J. Morocco

52. In its reply, Morocco reaffirmed its commitment and adherence to international human rights instruments and recalled that it was engaged in a process aimed at bringing its national legislation in line with international standards. With regard to legislation relating to the fight against racial discrimination, Morocco referred to its Criminal and Labour Codes, as well as to legislation in the areas of civil liberties and penitentiary institutions.

53. The Government emphasized that Morocco's Criminal Code provides a definition of discrimination which is in conformity with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Prohibited grounds of discrimination include national origin, colour, sex, family situation, health, political opinion, labour union membership, as well as ethnicity, nationality and religion. Acts of discrimination may concern both physical and moral persons. Morocco's Labour Code, as well as specific legislation dealing with the media, associations and political parties also expressly provide for sanctions in case of discrimination. Furthermore, specific provisions have been designed for penitentiary institutions. They prohibit discrimination among detainees on the basis of race, colour, sex, nationality, language, religion, opinion or social class. Female detainees are also subject to specific protection provisions.

54. Morocco's policy vis-à-vis the Amazigh people does not fall within the framework of the elimination of racial discrimination, but rather within the project of a democratic society in a modern state based on equality and social solidarity, as well as on the sources of its national identity.

55. On the question of propaganda and incitement to racial discrimination, Morocco indicated that discriminatory propaganda and ideas constitute criminal offences. In this regard, the Press Code prohibits and punishes incitement to racial discrimination through public means or discourses. Complicity with the offenders is also taken into account in case of incitement to racial discrimination.

56. Morocco has taken legislative measures in order to prohibit the establishment of associations or political parties based on discriminatory or superiority claims. Contraventions to these laws constitute civil and criminal offences. The Moroccan authorities recalled that according to the 2007 law on political parties, political parties established on the basis of religion, language, race, ethnicity or region, or more generally on any discriminatory basis contrary to human rights standards, shall be declared null and void. The Moroccan authorities indicated that there exist no political parties based on discrimination. Indeed, members of political parties in Morocco include Amazigh, Arabs and Sahrawi, Muslims and Jews. In this respect,

the authorities prohibited the establishment of the Amazigh Democratic Party, since it was based on racial grounds.

57. Finally, during the Durban Review Conference, Morocco stated that the Review Conference shall focus on the establishment of operational mechanisms which would help to implement the 2001 recommendations made at the World Conference against Racism. In particular, emphasis was put on the need for justice for all victims of racism and on the organization of regional seminars on racial hatred and freedom of expression. In this respect, Morocco has offered to host one of these seminars for the African region.

## K. Russian Federation

58. In its reply, the Russian Federation indicated that according to its Constitution, all forms of racial discrimination are prohibited. In this regard, the Constitution includes provisions on equality before the law, equality of rights and freedoms regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion and convictions. It was emphasized that public associations restricting the rights of citizens or inciting to social, racial, national, or religious hatred, as well as resorting to language expressing superiority are prohibited.

59. According to the 2002 Law on "Countering extremist activities", the advocacy of superiority or inferiority of citizens on the basis of religious, social, racial, national or linguistic affiliations constitute extremist activities. Extremism is defined as bringing about violations of the rights and freedoms of individuals, causing harm to their personality, health, environment, social order, and national security. Moreover, the activities of social or religious organizations, which do not have legal entity status, might be subjected to prohibition. According to this law, a judicial decision resulted in the prohibition of the activities of eight social and religious organizations in the Russian Federation.

60. With respect to the use of new information technologies for extremist activities, reference was made to the applicability of the Law on information, computerization and protection of information and to the Law on countering extremist activities to cases of extremist activities, such as the distribution and publication of extremist materials and public incitement to extremist activities. According to these laws, the persons involved in these extremist activities may receive an official warning or may be subject to administrative or criminal sanctions.

61. The authorities closely collaborate with journalists' unions, social and human rights organizations, religious figures and scientists in order to prevent and monitor extremist activities undertaken on Russian territory. In this regard, an Independent Committee has been set up to investigate cases of extremist activities, and working groups of the General Prosecutor Office have also been established in order to report on extremist incidents. Other measures include awareness activities specifically aimed at young people.

62. The Government of the Russian Federation stresses the importance of fostering a tolerant society in order to fight all forms of racism, including those which are based on ideology of Nazism. It emphasized the important role played by teachers,

academics and scientists in providing an education which contributes significantly to the development of society based on the values of patriotism, citizenship and prevention of extremism and xenophobia. In this respect, the issue of unbiased school textbooks was specifically underlined.

63. In its reply, the Russian Federation referred to a number of measures taken in order to foster a tolerant society. These include:

(a) The 2001 legislation which initiated the programme on the "Formation of the basis of tolerant consciousness and prevention of extremism in Russian society";

(b) Several national programmes, such as the "Federal project of development for the young generation for the years 2006-2010", the programme "Patriotic education of citizens for the years 2006-2010", the "Increase of accessibility to and quality of services for additional education of children and the enhancement of their social-adaptive functions", as well as the programme on the "Improvement of the educational system";

(c) Support to religious organizations that are actively engaged in programmes for the spiritual and moral enlightenment of the society;

(d) The establishment of national cultural centres collaborating with the Ministry of Culture for the preservation of the national and cultural identity of immigrants. These national cultural centres actively support the formation of a tolerant attitude towards immigrants and aim at harmonizing inter-ethnic relations. Immigrants who wish to acquire knowledge of the local languages, literature and culture of the region they live in also have access to information centres such as libraries, museums, special public centres, which provide tailored information on these topics;

(e) Support to publications, events and movies which focus on national cultures of the Russian people and which emphasize a negative attitude towards extremist activities and terrorism.

64. For the future, it is planned to create a social service for conflict prevention. The authorities will also encourage non-governmental organizations to work on the question of the integration of migrant workers. In addition, information campaigns on peaceful inter-ethnic relations, such as the one planned in Saint-Petersburg on the harmonization of inter-ethnic and intercultural relations, prevention of xenophobia, fostering of tolerance for the years 2006-2010, will also be launched. The Russian Federation indicated that all these initiatives will be coordinated by a Special Committee for young people, which primarily focuses on campaigns fostering tolerance among young people.

## L. Spain

65. In its reply, Spain indicated that in 2008 two new ministerial offices had been established, including the Ministry of Work and Immigration and the Equality Ministry. The Equality Ministry is responsible for proposing and implementing the Government's policies on equality, combating racial discrimination and gender violence and in particular, the creation and development of measures aimed at ensuring equal treatment and opportunities in all sectors of society.

66. In terms of concrete measures taken within the framework of the newly created Ministry of Equality, it furthermore mentioned the establishment in 2008 of the Council for the Promotion of Equal Treatment and the Prevention of Discrimination on the basis of Racial or Ethnic Origin. Ten individuals have been selected to represent the aforementioned body and will assume their positions once the necessary legal steps have been taken.

67. The General Committee against Discrimination has been supporting the activities of organizations associated with combating racism and xenophobia in Spain. One such example was the publication and dissemination of a report presented before the Ministry by the Foundation for the Gypsy Secretariat. The report highlights cases of discrimination against the gypsy community.

68. Spain further provided information about other initiatives established to combat racism and other forms of discrimination. The Strategic Plan for Citizenship and Integration (2007-2010), has been developed to ensure that all social partner interests, including those of migrants, are represented and that all measures are taken to uphold the basic principles of equality and non-discrimination. Within the aforementioned Plan, further measures are envisaged in order to avoid discriminatory treatments, such as aid programmes for the victims of discrimination, analysis of national and local legislation in order to identify and eliminate possible discriminatory elements.

69. Finally, Spain pointed out that by means of the 2000 Law on the rights and freedoms of foreigners in Spain, the Spanish Observatory on Racism and Xenophobia was established. The aforementioned body is mandated to promote research on the topics of discrimination and racism.

## M. Switzerland

70. In its reply, Switzerland indicated that the ratification of international conventions was the expression of its political will to fight racism at different levels. The Swiss Confederation, the cantons, communes, non-governmental organizations and private sector have all been working in the area of prevention for many years in favour of victims of discrimination. However, there remains much to do in order to protect the potential victims. Switzerland intends to rely on the Durban Declaration and Programme of Action, as well as on the outcome document of the Durban Review Conference in order to assess the existing measures, to enhance those which have proven effective and to develop new measures where necessary.

71. In the aftermath of the World Conference against Racism, the Service for Combating Racism was established in 2001. It provides funds for projects aimed at combating racism. Specific projects by the Service for Combating Racism include the upcoming launch of a national inquiry on racism and xenophobia and the establishment of a monitoring system of racism, xenophobia and discrimination, based on data, instruments and methods already used by public authorities, international organizations and civil society. In addition, the Service for Combating Racism has published a guide on how to fight racial discrimination by means of legislation.

72. The new federal law on foreigners includes the principles and objectives of Switzerland's integration policy. Integration aims at providing equality of chances and at encouraging participation of the foreign population in different areas of social life, such as vocational training, access to the labour market or health services. The Federal Office for Migration and the cantons bear the primary responsibility in the implementation of this integration policy.

73. Switzerland provided information about a number of measures taken in order to fight racism and discrimination. Among others, it referred to initiatives of the Federal Office for Gender Equality; prevention projects in the area of migrants' health; projects in the area of education aimed at integrating migrants' children and at providing human rights education to students; the Swiss Coordination Unit for Cybercrime Control, which also undertakes research on the Internet to fight against criminality, in particular right-wing extremism and racism; and codes of conducts elaborated by institutions related to media, such as the Swiss Press Council, which aim at ensuring independence and freedom of information in accordance with human dignity and non-discrimination.

## N. Syrian Arab Republic

74. In its reply, the Syrian Arab Republic pointed out that the problem of racial discrimination was not one that afflicts Syrian society. Syrian laws, including the Constitution, allow citizens to exercise their fundamental rights in a manner that ensures justice and equity for all. Consequently, the Government emphasized that there were no "hate crimes" in the sense as commonly understood in certain societies.

75. The Syrian Arab Republic has acceded to all the United Nations conventions against racism and racial discrimination, and domestic law punishes offences based on discrimination. For instance, under the Criminal Code, a penalty is imposed for any acts, writings or speech aimed at or giving rise to the creation of interconfessional or racial strife or the provocation of conflict between different religious denominations.

76. The fifteenth plan which will guide the Government's actions over the next five years will include the dissemination of a human rights culture and the delivery of human rights training. In order to do so, the Syrian Arab Republic will endeavour to link human rights programmes to development programmes, to government sectors, to the eradication of poverty and balanced regional development, and will seek to ensure respect for the human rights set out in the Constitution and in the applicable international treaties. It is also planned to include human rights education in general education curricula; to task all development sectors with safeguarding and applying human rights within their respective areas and with taking due account of these rights when designing sectoral plans; and to provide journalists and media personnel with training on the promotion and defence of human rights.

77. The Syrian Arab Republic will amend the laws on economic and civil rights in line with its international obligations; develop institutions capable of translating the Constitution into tangible practices, and boosting these efforts through the independence of the judiciary and the separation of powers; create a stronger institutional framework for the Cabinet's Higher Committee for Human Rights; and support the role of civil society human rights organizations.

78. Various programmes on the promotion and protection of human rights will be carried out by the Government. They include specific programmes for women, children, the environment, economic rights, health, education, work and culture; awareness-raising activities; training programmes for judges in the resolution of human rights disputes; training programmes for security and police personnel on dealing with citizens and ensuring respect for human rights.

79. Finally, the Syrian Arab Republic stated that racism remained at the root of the continual suffering inflicted on entire peoples living under foreign occupation, as in the Occupied Palestinian Territories and the occupied Syrian Golan.

## O. Togo

80. In its reply, Togo reaffirmed its commitment to a universal vision of human rights. All individuals have therefore the same rights and they cannot be restricted on the basis of race, sex, culture, religion or any other ground. The Government emphasized that Togo had ratified the quasi-totality of international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. As reaffirmed by the Durban Declaration and Programme of Action, the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. In order to implement article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, States must take legislative, administrative, judiciary and other measures in order to prevent and sanction racial discrimination at all levels of public life.

81. In spite of the efforts made at the international level, racism and racial discrimination have intensified in most regions of the world. While globalization should favour public awareness of the necessary political, economic and social interdependence between all countries, it has in fact exacerbated inequalities, poverty and exclusion, which ultimately foster racism and xenophobia. In this respect, Africa, which has been faced with slavery and colonialism in the past, continues to suffer from contemporary forms of racism.

82. Nonetheless, contemporary forms of racism transcend borders and racism is a universal phenomenon. The recrudescence of racist and xenophobic violence against ethnic, religious or cultural communities and indigenous peoples constitute severe blows against the determination of the international community to uphold the principles of non-discrimination and human dignity.

83. According to the Government of Togo, contemporary forms of discrimination fall within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination, in particular its article 4, taking into account the wide scope given to the expression "racial discrimination" in the Convention. Togo condemns the dissemination of racial hatred through the media, including the Internet. In this respect, reference is made to articles 19, paragraph 3, and 20 of the International Covenant on Civil and Political Rights, and to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

84. While Togo has not yet adopted a plan of action in accordance with the Durban Declaration and Programme of Action, it has taken into account the provisions of

the International Convention on the Elimination of All Forms of Racial Discrimination in its human rights education policy. Other measures which aim at harmonizing national legislation with international standards, including those contained in the International Convention on the Elimination of All Forms of Racial Discrimination, pertain to the implementation of programmes on the modernization of justice, on human rights promotion and protection and on the consolidation of democracy.

## P. Turkmenistan

85. In its reply, Turkmenistan indicated that reforms aimed at facilitating the progressive renewal of the social and political system have been introduced under President Berdymukhammedov. With regard to international obligations, Turkmenistan accepts the provisions of the Universal Declaration of Human Rights and has ratified the basic international human rights instruments.

86. In 2007 the President of Turkmenistan established a State commission to consider complaints concerning actions by law enforcement agencies. Another interdepartmental commission on ensuring Turkmenistan's compliance with its international human rights obligations was also established in 2007 in order to facilitate the preparation of national reports on the country's compliance with international human rights agreements. In addition, another State commission was set up in 2007 with the mandate of monitoring the country's legislative framework and implementing established standards of international law.

87. The Constitution was amended in 2008. In compliance with the recommendations of human rights treaty bodies, the provisions on equal rights for all, regardless of any particular characteristics, have been extended to include the characteristics of race and sex. Article 19 of the revised Constitution now guarantees the equality of human and citizens' rights and freedoms irrespective of ethnicity, race, sex, origin, property status, official position, place of residence, attitude to religion, political convictions or membership or non-membership of a political party. The rights and freedoms provided for in the Constitution for nationals of Turkmenistan extend equally to foreigners and stateless persons, with the exception of specific rights directly arising out of Turkmen nationality.

88. The Government of Turkmenistan is taking all necessary practical and legal steps to eliminate all forms of racial discrimination and to prevent incitement to acts of violence against any individual or group of persons of another colour or ethnic origin. There are firm legal guarantees that any attempted discrimination on racial or ethnic grounds by officials, individuals, groups or institutions shall be prohibited and, if necessary, suppressed. The principle of non-discrimination underlies the operation of all high-ranking and local authorities and administrations, the electoral system, the organization and work of the law enforcement and judicial agencies and the systems of health care, social security, education and others. Incitement to ethnic or racial hatred, strife or disrespect, or recourse to violence on ethnic, racial or religious grounds, renders the perpetrator liable under the corresponding legislation.

89. Provisions on the prohibition of discrimination on various grounds, such as origin, social position, property status, official position, ethnicity, race, sex, education, language, age, attitude to religion, type or nature of occupation, political convictions, place of residence or any other circumstance, have been introduced in

several legal provisions, including the 2009 Code of Criminal Procedure; the 1998 Criminal Code; the 1991 Judicial System and Status of Judges Act; the Police Act; the Marriage and Family Code; the 2007 Women's Equality Act; the 2005 Health Act; the 2003 Freedom of Faiths and Religious Organizations Act; the 2002 Rights of the Child (Safeguards) Act; the 2009 Labour Code; the 2002 Government Leaders and Public Officials (Selection) Act; and the 1997 Civil Service Act.

90. Finally, Turkmenistan stressed that the Education Act provides for the universal access for each citizen to all forms and kinds of educational services provided by the State. The Government also mentioned that representatives of ethnic minorities are able to study in ethnic and mixed schools. For instance, Turkmenistan has concluded agreements with the Russian Federation, Kazakhstan and Uzbekistan to open schools for their respective diasporas.

## Q. Ukraine

91. In its reply, Ukraine indicated that in accordance with article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 24 of its Constitution, all Ukrainians have equal constitutional rights and freedoms and equality before the law. Foreigners and stateless persons lawfully present in Ukraine enjoy the same rights and freedoms.

92. Ukraine has an established body of laws and regulations with mechanisms providing extensive possibilities for counteracting any manifestations of racism, racial discrimination, xenophobia, intolerance or prejudice against individuals on the basis of their ethnicity. Those laws and mechanisms are under constant review by the President and Government of Ukraine.

93. In this respect, on the instructions of the Cabinet of Ministers of Ukraine, an interdepartmental working group has been set up to consider action against xenophobia and inter-ethnic and racial intolerance. The working group approved a plan of measures to counter manifestations of xenophobia and inter-ethnic and racial intolerance.

94. Ukraine provided further information about the conduct of investigations on offences arising out of racial, ethnic or religious intolerance. The law enforcement agencies monitor the circumstances surrounding ethnic offences and analyse the activities of radical organizations and movements. Measures are taken to prevent or detect particularly serious offences against foreigners. In this regard, meetings are regularly held with representatives of Asian and African communities and groups living in Ukraine. In 2009, procedural recommendations entitled "Your rights and how to protect them" have been drawn to the attention of foreign communities in order to help their understanding of national laws.

95. In addition to the above, a round table was held in April 2009 with the participation of State representatives and civil society organizations on the theme "Results of the work of law enforcement agencies on preventing unlawful actions against ethnic minorities and the difficulties arising out of the prosecution of persons involved in such crimes". Another round table was held in May 2009 in order to work out common ideas on the prevention of racism and xenophobia in Ukraine.

## R. Venezuela (Bolivarian Republic of)

96. In its reply, Venezuela reiterated its commitment to continuing the fight against all forms of racism, discrimination, xenophobia and related forms of intolerance.

97. Articles 19 and 21 of its Constitution affirm that in accordance with the principle of non-discrimination, the State shall guarantee every individual the right to enjoy basic human rights and freedoms. Discrimination based on race, sex, creed, social origin or any other discriminatory practice which may nullify or impinge upon the recognition of the rights and freedoms of all individuals is prohibited by the Constitution and everyone is considered equal before the law.

98. Venezuela firmly rejects any attempt by individual organizations or movements to establish ideologies based on racial, ethnic or religious superiority or the promotion of contemporary forms of racism or xenophobia through incitement to hatred which seek to threaten individual rights and freedoms under international law.

99. Finally, Venezuela noted that it is committed to eliminating all forms of racism and xenophobia through the implementation of national, regional and international mechanisms, particularly those established by the International Convention on the Elimination of All Forms of Racial Discrimination as well as within the framework of the Durban Declaration and Programme of Action.

# III. Conclusions and recommendations

100. **The Special Rapporteur is grateful to all States which shared information on their activities undertaken pursuant and relevant to General Assembly resolution 63/162. Such an exchange of information, which has often been encouraged within the framework of the review process of the World Conference held at Durban, allows for the establishment of an initial catalogue of good practices in the fight against racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur would like to emphasize that racism and xenophobic violence targeting members of ethnic, religious or cultural minorities and national minorities transcend international borders. Consequently, while the activities of Governments described above are most often country-specific, since they are designed to respond to a certain political, historical, economic and sociocultural context, they might also apply to, or at least constitute a source of inspiration for, other countries facing similar problems.**

101. **As referred to in resolution 63/162, the Special Rapporteur would like to call upon States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to fully comply with their international obligations. According to article 4 of the Convention, States parties:**

(a) **Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;**

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

102. In addition, the Special Rapporteur also would like to refer to paragraph 86 of the 2001 Durban Programme of Action which calls upon States to "promote measures to deter the emergence of and to counter neo-fascist, violent nationalist ideologies which promote racial hatred and racial discrimination, as well as racist and xenophobic sentiments, including measures to combat the negative influence of such ideologies especially on young people through formal and non-formal education, the media and sport" (see A/CONF.189/12, chap. I).

103. While legislative measures are necessary in order to prohibit and sanction the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against a specific group of persons, the Special Rapporteur is of the view that legislative measures on their own are usually insufficient to effectively prevent and combat the aforementioned phenomena. States should indeed engage in broad efforts to combat negative stereotypes of, and discrimination against, individuals and groups, and to promote intercultural understanding.

104. Education is needed to complement legislative measures. Although education demands long-term investment by the State and the benefits thereof can be assessed only in the long run, it is undoubtedly the most effective instrument to dismantle pervasive social constructions based on racial differentiation and to create a society based on pluralism, tolerance and respect towards other communities. School classes which are inclusive and representative of the society's ethnic and cultural diversity, unbiased schoolbooks aimed at reflecting, with objectivity and accuracy, the history of minorities and the relations with neighbouring countries, well-trained teachers and human rights courses are in this respect essential to instil a tolerant and respectful mindset from an early age. Exchange programmes at school also represent an excellent opportunity for pupils and students to be in contact with their peers from other communities, countries and regions. More specifically, the Special Rapporteur would like to emphasize the importance of history classes in teaching the dramatic events and human sufferings which resulted out of ideologies such as Nazism and Fascism. While history classes may be taught in schools, the Special Rapporteur would like to encourage States to adopt innovative approaches in this regard. For instance, the creation of educational websites dedicated to this topic may facilitate the access to information thereon.

105. Furthermore, other positive measures, which are described by some States in their replies above, include training seminars for State agents and media professionals, initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, as well as awareness-raising activities, such as information campaigns. It is only by implementing this wide array of actions that States will ensure that the dissemination of ideas based on racial superiority or hatred,

incitement to racial discrimination, as well as acts of violence or incitement to such acts against a specific group of persons, are eliminated in the long term. In doing so, States should not only prepare these measures in close collaboration with civil society representatives, who have an important role to play in the fight against racism, but they should also encourage and fully support civil society initiatives aimed at fostering pluralism and tolerance.

106. As mentioned by some States in their replies summarized above, the existence of accessible and effective remedies is an absolute necessity to deter and fight the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against a specific group of persons. Legislation prohibiting and sanctioning such phenomena must be implemented by State authorities and be supported by an effective administration of justice. The Special Rapporteur would like to recall that impunity of acts motivated by racial hatred may lead to the recurrence of those acts. States therefore have the responsibility to ensure that impunity is not granted for those acts and that all individuals under their jurisdiction are made aware of the existence of judicial and non-judicial remedies in case they are subjected to racism. In addition to these remedies, States should also ensure that individuals and groups of individuals who have been subjected to the dissemination of discriminatory ideas or those expressing hatred against them are guaranteed a right of correction and reply, whether by mass media or other public means.

107. Surveys and ethnically disaggregated data on crimes motivated by racial hatred or "hate crimes" may help States to better understand the structural reasons which lead to the perpetration of such odious acts. In collecting such data, States should at all times respect the principles of privacy and self-identification. While the Special Rapporteur is aware of the reticence among some States against the collection of ethnically disaggregated data, he is of the view that such data are necessary for policymakers to adjust their policies to the context in which racism evolves. Therefore, the Special Rapporteur would like to recommend that States collect ethnically disaggregated data on hate crimes, so as to be in a position to better understand who the victims of these crimes are, who the perpetrators are, what their motivations are, whether they are affiliated with neo-Nazi, neo-fascist and skinhead groups and to what extent victims of those crimes do report to the police authorities.

108. Finally, while the terms racism, racial discrimination, xenophobia and related intolerance are, in some regions of the world, used mainly exclusively for extremist right-wing groups, including neo-Nazi, neo-fascist and skinhead groups, the Special Rapporteur would like to recall that racism is a pervasive phenomenon affecting all layers of society and all countries of the world. Its manifestations vary widely, according to the context in which it evolves. Consequently, the Special Rapporteur would like to first recommend that States acknowledge that racism exists in their society and secondly, that States adopt a broader understanding of the notions of racism, racial discrimination, xenophobia and related intolerance in order to take all appropriate measures to fight its manifold manifestations.

United Nations A/64/296

General Assembly

Distr.: General
14 August 2009

Original: English

**Sixty-fourth session**
Item 96 (w) of the provisional agenda*
**General and complete disarmament: transparency in armaments**

# Continuing operation of the United Nations Register of Conventional Arms and its further development

## Note by the Secretary-General

1. In its resolution 63/69, the General Assembly requested the Secretary-General with the assistance of a group of governmental experts "to prepare a report on the continuing operation of the United Nations Register of Conventional Arms and its further development, taking into account the work of the Conference on Disarmament, the views expressed by Member States and the reports of the Secretary-General on the continuing operation of the Register and its further development, with a view to taking a decision at its sixty-fourth session".

2. Pursuant to that resolution the Secretary-General has the honour to submit to the General Assembly the above-mentioned report prepared with the assistance of the Group of Governmental Experts on the continuing operation of the United Nations Register of Conventional Arms and its further development.

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# Report on the continuing operation of the United Nations Register of Conventional Arms and its further development

*Summary*

The report of the 2009 Group of Governmental Experts on the continuing operation and further development of the United Nations Register of Conventional Arms examines ways and the need to improve the relevance of and promoting universal participation in the Register. The report provides up-to-date data and analysis on information reported by States; an assessment of the continued and future operation of the Register, including regional priorities and relevance; and examination of issues related to the further development of the Register, taking into account advanced technology in armaments and military equipment, current security and capacity concerns and emerging tactical methods.

The report notes that the Register has made significant progress since its establishment in 1992 but that efforts should continue to ensure its relevance for all regions and enhance the universal participation by Member States. The Group concluded that the Register remains an important confidence-building measure and reaffirmed the necessity of consistent and timely reports to the Register, including submission of "nil" returns.

The Group considered a number of proposals aimed at expanding the current reporting categories and adding new categories to the Register. They represent both a new class of equipment that is just beginning to be widely used in combat operations and a category of small arms and light weapons (SALW). However, the Group was unable to reach consensus on either of those proposals to expand the Register's scope and adapt it to new political and military circumstances.

The Group endorsed the recommendations of the 2006 Group of Governmental Experts. It made a number of recommendations, including measures to assist Member States to build capacity for submission of meaningful reports, including on SALW, and made adjustments to the standardized reporting forms. The report encourages further examination of efforts to enhance the scope of the Register. Furthermore, the report recommends that the Secretary-General seek the views of Member States, including whether the continued absence of SALW as a main category in the United Nations Register has limited the relevance of the Register and so directly affected decisions on the participation of Member States in this instrument.

In view of the 2009 Group's reduced time for consideration, the Group recommended that future Groups be given ample time to complete their programme of work on regular reviews of the Register and include the widest possible range of views.

# Contents


| | | Page |
|---|---|---|
| | Foreword by the Secretary-General | |
| | Letter of transmittal | 4 |
| I. | Introduction | 6 |
| | A. Establishment of the Register | 10 |
| | B. Review of the Register | 10 |
| II. | Review of the continuing operation of the Register | 10 |
| | A. General | 12 |
| | B. Relevance of the Register | 12 |
| | C. Universality and extent of participation | 12 |
| | D. Reports on exports and imports | 13 |
| | E. Reports on additional background information | 14 |
| | F. Assessment of the implementation at the regional level | 14 |
| | G. Access to data and information reported | 15 |
| | H. Role of the United Nations Secretariat | 16 |
| III. | Further development of the Register | 16 |
| | A. Maintaining the relevance and universality of the Register | 17 |
| | B. Categories covered by the Register | 17 |
| | C. Expansion of the scope of the Register | 17 |
| | D. Overhaul of the Register database and electronic filing of reports | 19 |
| | E. Reporting methods | 20 |
| IV. | Conclusions and recommendations | 20 |
| | A. Conclusions | 21 |
| | B. Recommendations | 21 |
| | | 22 |

## Foreword by the Secretary-General

The United Nations Register of Conventional Arms — the only global transparency instrument on conventional arms transfers — plays an important role in preventing excessive and destabilizing accumulations of conventional arms, enhancing confidence, promoting stability and increasing international peace and security. Consistent and universal participation in the Register by all Member States may also significantly influence debates at the United Nations aimed in particular at promoting transparency in military matters, including the global trade of conventional arms and combating their illicit trafficking.

By providing transparency of conventional arms transfers, the United Nations Register assists in minimizing the risk of misunderstanding or miscalculation and thereby contributes to facilitating bilateral and regional dialogue, building confidence and trust among States, and encouraging peaceful resolutions of conflicts. To that end, Member States are encouraged to report all international transfers of conventional arms to the Register.

The regular triennial reviews of the Register's operation provide for an essential means to assess achievements, evaluate shortfalls and identify ways forward to better utilize the Register. The 2009 Group of Governmental Experts assessed the current status of affairs with regard to reporting by Member States to the Register at the global and regional levels and noted that significant efforts have been made in promoting the relevance of the Register.

To that end, the Group considered a number of substantial proposals relating to the expansion of the Register's scope. These, for example, include proposals to have small arms and light weapons (SALW) as a new reporting category to the Register, and to better utilize the potential of the Register as a confidence-building measure by encouraging wider submissions on military holdings and procurement through national production. Unfortunately, the Group was unable to secure consensus concerning any significant proposal to expand the scope of the Register.

While the present report reconfirms the recommendations made in 2006, it also includes minor improvements to the standardized reporting forms with a view to facilitating the participation of Member States in the Register. Meanwhile, bearing in mind that the illicit trafficking of SALW and their excessive accumulation constitute a serious security concern for many States worldwide, the Group recommended seeking the views of Member States on whether the absence of SALW as a main category in the Register has limited its relevance.

The Secretariat will continue to support the promotion of the Register and assist Member States in their capacity-building efforts so as to achieve universal participation in this instrument. I also take note of the Group's concern regarding the time allotted to this session.

As the international community is faced with significant challenges to peace and security caused by armed conflicts, terrorist activities and illicit trafficking of arms, I encourage Member States to complement their annual submissions to the Register with views on how to improve its operation to better address these risks. I also encourage Member States to provide their views on whether the inclusion of SALW as a new category of the Register will further increase the Register's relevance.

I thank the members of the Group of Governmental Experts for their work in preparing the present report, which I commend to the General Assembly for its consideration.

**Letter of transmittal**

6 August 2009

Sir,

I have the honour to submit herewith the report of the Group of Governmental Experts on the continuing operation of the United Nations Register of Conventional Arms and its further development. The list of members of the Group, which you appointed pursuant to paragraph 7 (b) of General Assembly resolution 61/77 comprised the following experts:

**Argentina**

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**France**

Captain Alexandra **Simard**
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Mr. Vipul **Vipul**
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The report was prepared between February and July 2009, during which time the Group held three sessions: the first and second in Geneva from 16 to 20 February and from 27 April to 1 May, respectively, and the third in New York from 6 to 10 July.

Following substantial discussions, the Group concluded that the Register continues to be an important global confidence-building measure, and efforts are to be continued towards the goal of universal participation in the Register.

The Group considered a number of proposals aimed at the expansion of the existing categories of conventional arms and introduction of new categories including that of small arms and light weapons (SALW). However, it is my understanding that, due in part to the more restricted time available for the Group fully to discuss these proposals, it was unable to reach agreement on any of them. The final session of the Group focused on a compromise proposal to add a new category for SALW. Regrettably, therefore, and without the opportunity for an additional session, the Group recommended that the Secretary-General should seek views of Member States on the introduction of SALW as a new category of the Register.

The members of the Group wish to express their appreciation for the assistance they received from members of the Secretariat of the United Nations. In particular, they wish to thank Yuriy Kryvonos, who served as Secretary of the Group, and Rachel Stohl, who served as consultant to the Group. The Group is also grateful to Sergio Duarte, High Representative for Disarmament Affairs, for the support received from him.

I have been requested by the Group of Governmental Experts, as its Chairperson, to submit to you, on its behalf, the present report, which was approved by consensus.

(*Signed*) Roberto García **Moritán**
Chairperson of the Group of Governmental Experts
on the United Nations Register of Conventional Arms

# I. Introduction

## A. Establishment of the Register

1. The United Nations Register of Conventional Arms was established in accordance with resolution 46/36 L, entitled "Transparency in armaments", in which the General Assembly requested the Secretary-General to establish and maintain a universal and non-discriminatory Register of Conventional Arms, and set out the arrangements for the consideration of its development. The General Assembly called upon Member States to provide annually for the Register data on exports and imports of conventional arms in the seven categories covered by the Register pending the expansion of its scope, and invited them to include information on military holdings and procurement through national production, and relevant national policies.

2. Pursuant to that resolution, the Secretary-General convened a panel of governmental technical experts in 1992 to bring the Register into operation. Endorsing the recommendations of the Panel (see A/47/342 and Corr.1), the General Assembly called upon all Member States to provide the requested data and information to the Secretary-General annually, beginning in 1993 (see General Assembly resolution 47/52 L).

## B. Review of the Register

3. In its resolution 46/36 L, the General Assembly decided to look at the Register's future expansion and in so doing, decided to keep the scope and participation in the Register under review. The General Assembly called for an initial review in 1994. The 1992 report of the panel of technical experts also envisaged future reviews to address those issues. As a result, the Register has thus far been reviewed at three-year intervals.

### 1994-2000 Groups of Governmental Experts

4. By its resolution 49/75 C, the General Assembly took note of the report of the 1994 Group of Governmental Experts (see A/49/316) and decided to keep the scope of and participation in the Register under review, requesting Member States to provide the Secretary-General with their views in this regard, as well as on transparency measures related to weapons of mass destruction.

5. The 1997 Group of Governmental Experts continued to elaborate on technical procedures to ensure the effective operation of the Register. It proposed extending the reporting deadline from 30 April to 31 May, encouraged the submission of information on national points of contact and the use of the "Remarks" column in the reporting format (see A/52/316 and Corr.2). It also recommended the inclusion of information, provided on a voluntary basis, on procurement through national production and on military holdings in the annual reports of the Secretary-General to the General Assembly.

6. With respect to encouraging greater participation in the Register, the 2000 Group of Governmental Experts recommended the holding of regional and subregional workshops and seminars with the assistance of interested States; the

introduction of a simplified form for providing "nil" returns; and the updating of the United Nations information booklet on the Register.

7. In accordance with General Assembly resolution 54/54 I, the 2000 Group of Governmental Experts, after thorough consideration of the matter, recognized the importance and relevance of the principle of transparency to weapons of mass destruction. Taking into account that the Register covered conventional arms only, the Group agreed that the issue of transparency in weapons of mass destruction should be addressed by the General Assembly (see A/55/281).

**2003-2006 Groups of Governmental Experts**

8. The 2003 and 2006 Groups of Governmental Experts concluded that considerable progress had been made towards achieving a relatively high level of participation in the Register (see A/58/274 and A/61/261). Recognizing the role that regional workshops and seminars played in promoting the Register's progress, the Groups recommended the continuation of such efforts and the increase in cooperation between the United Nations Secretariat and relevant regional/subregional organizations.

9. The Groups of Governmental Experts also agreed on technical adjustments to three of the seven existing categories of the Register as follows:

(a) The 2003 Group recommended lowering the reporting threshold of large-calibre artillery systems from 100 mm to 75 mm in category III; and the inclusion, on an exceptional basis, of man-portable air-defence systems (MANPADS) as a subcategory in category VII, "Missiles and missile launchers". The recommendations were endorsed by the General Assembly in its resolution 58/54.

(b) The 2006 Group recommended that the reporting threshold of "warships" under category VI be reduced from 750 to 500 metric tons. The recommendation was endorsed by the General Assembly in its resolution 61/77.

10. International transfers of SALW within the Register's framework were addressed by both the 2003 and 2006 Groups of Governmental Experts. The 2003 Group noted that Member States which were in a position to do so could provide additional background information on international transfers of SALW made or modified to military specifications and intended for military use. The 2006 Group further recommended an optional standardized reporting form for submission of information on SALW transfers.

11. In addition to reaffirming many of the recommendations of the 2003 Group of Governmental Experts, the 2006 Group also notably recommended the following:

(a) Only transfers involving Member States should be reported to the Register;

(b) Member States should participate in the United Nations Register in order to achieve the shared goals of this global transparency mechanism, including universal participation;

(c) The Office for Disarmament Affairs of the United Nations Secretariat should overhaul the Register database, with a view to making it more user-friendly, and conduct a pilot project with the support of interested States to test the feasibility of electronic filing of reports to the Register; and develop and expand the Register website.

**2009 Group of Governmental Experts**

12. The 2009 Group of Governmental Experts was established pursuant to General Assembly resolution 61/77, in which it also requested the Secretary-General to prepare a report on the continuing operation of the Register and its further development, taking into account the views expressed by Member States and the reports of the Secretary-General on this issue.

# II. Review of the continuing operation of the Register[1]

## A. General

13. The Group reviewed the data and information submitted by Governments for the Register for the calendar years 1992-2007 and tables and graphs with statistical data compiled by the Office for Disarmament Affairs. The Group benefited from the Occasional Paper of the Office for Disarmament Affairs,[2] non-papers from Member States, and analysis of the Stockholm International Peace Research Institute (SIPRI)[3] on the operation of the Register and its further development. The Group utilized this information to develop conclusions and recommendations for improving the relevance of and promoting universal participation in the Register.

## B. Relevance of the Register

14. The Group discussed the continuing importance of the relevance of the Register. Experts agreed that it was important to enhance the relevance of the Register with a view towards encouraging transparency of arms transfers to prevent excessive and destabilizing accumulations of conventional weapons, as well as preventing armed conflicts.

15. Some experts raised the issue of movements of conventional arms to the territory of other States without a transfer of title or control over the equipment, arguing that such movements could have a destabilizing impact and should therefore be considered as transfers. Those experts expressed the view that such issues could be discussed in the future in the context of discussions on the definition of transfer. However, it was also noted by some experts that the General Assembly in its resolution 46/36 L and the 1992 Panel of Governmental Experts in its report (A/47/342 and Corr.1) had concluded that such movements were not transfers in the context of the Register.

16. Some experts also discussed the role of the Register as a mechanism for helping to identify destabilizing accumulations of conventional arms and as a confidence-building measure. In its role as a transparency measure, the Register is

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[1] Submissions in 2009 for the calendar year 2008 are still ongoing. The latest completed calendar year is 2007, for which submissions were received in 2008.

[2] *Assessing the United Nations Register of Conventional Arms*, United Nations Office for Disarmament Affairs Occasional Papers, No. 16, April 2009 (United Nations publication, Sales No. E.09.IX.4).

[3] Paul Holtom, *Transparency in Transfers of Small Arms and Light Weapons: Reports to the United Nations Register of Conventional Arms, 2003-2006*. Stockholm International Peace Research Institute Policy Paper No. 22, July 2008.

intended to help build confidence by providing a mechanism for an effective dialogue between countries and contribute to regional and international peace and security.

17. Many experts noted that the focus on the Register's seven categories is not equally relevant to all countries around the world, and that its relevance might be affected without the adaptation of its scope. Experts reiterated the views from the 2006 report, which noted that the focus on heavy conventional weapons are less of a particular concern in some regions and subregions, which has resulted in the Register becoming less relevant to those particular regions. Some experts said that without the inclusion of SALW as a new category, the Register would lose relevance in many regions and participation could continue to decrease. The Group also noted the need for the Register to be technologically relevant. Experts also agreed that a lack of relevance undermines the ability of the Register to serve as a confidence-building measure.

## C. Universality and extent of participation

18. Since the inception of the Register in 1991, an average of nearly 100 Governments have submitted reports each year on arms transfers. During the period 1999-2006, the number of submissions increased to over 100 submissions a year, with a record high 126 submissions in 2001. However, reports for calendar year 2007 fell to 91 national reports, the lowest total since 1998. In addition, the Group noted that few States report by the 31 May deadline; for example, only 51 States had reported by 31 May in calendar year 2006, 27 States in calendar year 2007 and 28 States in calendar year 2008.

19. The Group analysed variations in submissions for the period since the last review in 2006: from 117 for calendar year 2005 to 113 for 2006 and to 91 for 2007. Indeed, the Group felt that that was a substantial decrease. Although it was noted that there was more than one reason for the reduction in reporting, the Group highlighted the fact that the decrease in the number of "nil" returns for calendar year 2007 parallels the decreasing number of reports filed. While the Group was unable to make judgements about States' reasons for not submitting "nil" returns, it recalled the conclusions of previous Groups of Governmental Experts that outreach, updating national points of contact and follow-up by the Office for Disarmament Affairs are essential to ensuring that States are both aware of the possibilities of submission of "nil" returns, if they were not engaged in international transfers of arms, and that such reports are equally important in terms of achieving the universal participation in the Register.

20. In calendar year 2007, 39 of the 91 submissions were "nil" returns, representing over 40 per cent of total reports. This total, however, reflected a decrease in the number of "nil" reports filed since the last Register review. In calendar year 2005, the total number of "nil" returns submitted was 58 of the 117 submissions and in 2006 the number was 61 of the 113 submissions.

21. While reviewing the consistency of the participation of States in the Register, the Group noted that 43 States had participated every year since the Register's inception. The Group also noted that 74 States had participated in the Register in each of the three calendar years, 2005, 2006 and 2007, since the last review of the Register.

22. The Group underlined the fact that continued progress towards the goal of universal participation would greatly increase the value of the Register as a global confidence-building measure. The Group observed that the Register is able to reveal trends in the conventional arms trade, as nearly all the major exporters and importers of those weapons submit regular reports. In addition, the Register reveals transfers involving Member States that do not participate in the Register.

## D. Reports on exports and imports

23. The average level of reporting exports and imports remains consistent. The Group reflected on the consistency of the reporting of Member States on exports and imports, with 70 States submitting information on exports (including "nil" reports) and 59 submitting information on imports (including "nil" reports) in each of the last three calendar years — 2005, 2006 and 2007.

24. The Group also noted that reports on exports and imports enabled the identification of States that participated in international transfers of conventional arms in the seven major categories and SALW, even if a State did not participate in the Register. Such information demonstrates the value of the Register as a global transparency instrument.

## E. Reports on additional background information

25. The Group discussed the provision of additional background information on a voluntary basis. For calendar year 2007, such information was included in 57 submissions (out of 91 reports), 26 of which contain data on national military holdings, 19 on procurement through national production, and 48 on SALW. In calendar year 2005, 27 submissions contained data on national military holdings and 23 on procurement through national production. In calendar year 2006, 28 submissions contained data on national military holdings and 23 on procurement through national production. For calendar years 2005, 2006 and 2007, 23 States reported on military holdings and 17 on procurement through national production in all three years.

26. Experts noted that the reporting of military holdings and procurement from national production demonstrates a potential confidence-building measure that could complement the information on exports and imports of conventional arms. Experts discussed a number of reasons for varied reporting of Member States, including, most importantly, geopolitical concerns and political sensitivities. Some experts argued that the current system, which places reporting on military holdings and national procurement on a different level, is inherently discriminatory to States without a national defence industry.

27. The Group also noted that a standardized form for the optional reporting of military holdings and procurement through national production does not exist. The Group discussed a proposal for a standardized form for such information to facilitate participation and submissions on procurement through national production and military holdings. Some experts mentioned that the utility of such information could be helpful in addressing the issue of destabilizing accumulations of conventional arms and data collection.

28. The Group discussed the progress achieved in reporting international transfers of SALW as additional background information to the national reports to the Register. Following the recommendation of the 2003 Group of Governmental Experts on the Register, Member States were invited to report voluntarily on international transfers of SALW. In calendar year 2003, 5 States reported on SALW transfers (out of 115 total reports), in 2004, 6 States (out of 117 total reports) and in 2005, 5 States (out of 117 reporting States). Experts noted that since the introduction of the standardized reporting form for the submission of international transfers of SALW in 2006, reporting has increased. By calendar year 2006, 37 States reported on SALW transfers, and the total number of reporting States increased to 48 in calendar year 2007. The increase reflected a wider scope in the details of transfers and a greater diversity of reporting.

## F. Assessment of the implementation at the regional level

29. The Group reviewed the levels of participation across regions and assessed variations in reporting from region to region. All countries in Eastern Europe, Latin America and the Caribbean and the Group of West European and Other States have participated in the Register at least once since its inception. Many States belonging to the African, Asian, and Latin American and Caribbean regional groups have not submitted their reports regularly. In Africa, only 4 States have reported to the Register in each of the calendar years 2005, 2006 and 2007. In Asia, 14 States submitted reports in each of the same three calendar years, in Eastern Europe 21 States submitted the 3 reports, in Latin America and the Caribbean, the total was 8 and in Western European and Other States, 29 States reported in each of the above three years.

30. The irregular reporting of African, Asian, and Latin American and Caribbean regional groups, in particular, explains a gap between the total number of States that have reported to the Register and the annual number of reports. In calendar year 2007, regional participation fell in those regions, with 42 per cent fewer reports from African States, 28 per cent fewer reports from Asian States and 46 per cent fewer reports from Latin American and Caribbean States in comparison with respective average levels since 2000. The drop in reporting resulted from the reduction of "nil" returns, particularly in the calendar years 2005, 2006 and 2007. In Africa, 16 States participated in the Register in 2005, 15 in 2006 and 8 in 2007. In Asia, 27 States participated in 2005, 26 in 2006 and 21 in 2007. In Eastern Europe, 21 States participated in 2005, 22 in 2006 and 22 in 2007. In Latin America and the Caribbean, 21 States participated in 2005, 20 in 2006 and 11 in 2007. Among the Western European and Other States, 30 States participated in 2005, 30 in 2006 and 29 in 2007.

31. In examining regional variation, the Group of Governmental Experts discussed possible reasons for the decrease in the participation by States from different regions. The Register's focus on the seven major categories of conventional arms has less relevance for some regions. The Group discussed reasons for non-participation or inconsistent participation, which could be attributed to various factors, including political considerations and inadequate institutional capacity. The Group also discussed possible measures that could help to preserve the relevance of the Register and increase participation.

32. The Group noted that only two regional workshops had been held since the last Group of Governmental Experts — a workshop for Asian States, held in Bangkok, from 6 to 8 December 2006, and for West African States, held in Dakar on 9 and 10 June 2009. The Group discussed the importance of regional workshops as a way to improve participation in the regions and to make such participation more consistent.

33. In addition, the Office for Disarmament Affairs responded to requests by regional forums to discuss the Register's operation since the last review period by: a presentation at the Forum for Security Cooperation of the Organization for Security and Cooperation in Europe in Vienna in 2007; a presentation of information at a workshop entitled "MANPADS and all its aspects" held at North Atlantic Treaty Organization headquarters in Brussels in June 2007; and a presentation at the Third Meeting of States Parties to the Inter-American Convention on Transparency in Conventional Weapons Acquisitions in Preparation for the Conference of the States Parties to be held in 2009 (Washington, D.C., 22 January 2009).

## G. Access to data and information reported

34. The Group discussed the importance of easy and reliable access to data and information submitted by States to the Register. Such information is an important tool in maintaining the relevance of the Register and increasing the Register's utility as a confidence-building tool. In this regard, the Office for Disarmament Affairs briefed the Group on efforts undertaken based on the recommendations of the 2006 Group of Governmental Experts on making the Register database more user-friendly. The Group welcomed the report of the Office for Disarmament Affairs on the pilot project conducted in 2008 aimed at exploring the feasibility of the electronic filing of reports to the Register. The Group also expressed its support of the plan to overhaul the Register database with a view to expanding its search capacity and making access to the database more interactive and dynamic, thus increasing the utility of the database.

35. The Group discussed the importance of States providing updated information on their national points of contact, particularly to ensure the possibility of direct bilateral contacts between States to resolve possible discrepancies. The Group observed that some progress had been made by States since the last review in providing information on national points of contact. To date, 139 States had supplied points of contact information. However, the Group noted that some States did not update their point-of-contact information on an annual basis, as invited on the standardized reporting form and simplified "nil" reporting form. For example, only 75 countries updated their point-of-contact information in 2008; and during the period since the last review of the Register, 12 States out of 137 that reported at least once had not provided any updated contact information.

## H. Role of the United Nations Secretariat

36. The Group noted the important role of the Secretariat in increasing awareness and familiarity among Member States about the Register. The Secretariat maintains a significant amount of information and documents on its website related to the Register and the subject of arms transparency, including the annual consolidated

reports of the Secretary-General, the reports of the Groups of Governmental Experts and the standardized reporting forms, among others. The Group particularly appreciated the significant work of the Office for Disarmament Affairs in producing and disseminating useful materials related to the Register.[4]

37. In addition, the Group noted the continuing and important role of the Office for Disarmament Affairs in enhancing awareness of the operation and procedures of the Register, encouraging timely submission of reports, developing a new Register website, assisting States with technical queries, updating the national points of contact, and highlighting the Register both within and outside the United Nations system, particularly through disseminating information on its website and in hard copies as requested by the 2003 and 2006 Groups. In particular, the Group noted the side event on the Register's operation in the First Committee meetings of the General Assembly at the sixty-third session, during which the Office for Disarmament Affairs "Fact Sheet on the United Nations Conventional Arms Register" had been discussed in order to facilitate discussion on improving the operation of and participation in the Register.

# III. Further development of the Register

## A. Maintaining the relevance and universality of the Register

38. The Group discussed the importance of the Register maintaining its relevance for Member States and adapting the Register to common security concerns. The Group said that maintaining the continued relevance of the Register facilitates the objective of universality and noted that non-participation might also be due to armed conflicts, severe political crises, or other negative developments in the international and regional security situation. The Group emphasized that the purpose of the Register is to prevent destabilizing accumulations of weapons, enhance confidence, promote stability and increase international peace and security.

39. The Group reconfirmed one of the observations of the 2006 Group of Governmental Experts, i.e., that the Register's existing scope is perceived to be more relevant to the security concerns of States in some regions than in others. The Register's traditional focus on conventional arms to conduct large-scale offensive operations failed to adequately address the issue of SALW, which is of particular concern in some regions and subregions, and renders the Register less relevant to those particular regions.

## B. Categories covered by the Register

40. The Group discussed the potential expansion of existing categories of the Register. The Group highlighted the various technologies and military doctrines utilized by States concerning their relevance to the Register. Some experts expressed the view that amendments to the categories of the Register should help the Register

[4] The Office for Disarmament Affairs has updated the Information Booklet on the Register in English, French and Spanish and a document entitled "Questions and Answers", which is designed to provide easy access to States on guidelines in preparing their annual submissions to the Register.

remain relevant and should reflect current advanced technology in armaments and military equipment, current security and capacity concerns and emerging tactical methods. Some experts acknowledged that the categories covered in the Register should reflect the security concerns of all Member States.

41. In considering the options for adapting the current reporting categories, the Group noted current technological advances, the potential of certain weaponry to offer force projection or to be so-called force multipliers or provide substantial combat support. Some experts considered whether the focus of the existing categories should remain on weapons or systems that support large-scale offensive operations. The Group discussed the conceptual differences among States with regard to whether force projection and force multiplier systems should be reflected within the seven categories. Bearing in mind that some weapon system characteristics may have a greater inherent potential to be destabilizing, because they enhance force projection, there are few or no countermeasures; or they can contribute to the infliction of strategic harm, or that certain classes of military equipment can allow for more effective use of existing military assets, so-called force multipliers, the Group considered the changes to the Register described below.

**Category I**
**Battle tanks**

42. The Group found no need to adjust category I of the Register.

**Category II**
**Armoured combat vehicles**

43. Experts reviewed proposals for amending category II to include tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability: (a) designed and equipped to transport a squad of four or more infantrymen; or (b) armed with an integral or organic weapon of at least 12.5-millimetre calibre or a missile launcher; or (c) equipped for specialized reconnaissance, command and control of troops or electronic warfare.

**Category III**
**Large-calibre artillery systems**

44. Experts reviewed proposals for amending category III to include artillery with a calibre of 50-75 mm and including gun carriers and tractors specially designed for towing artillery.

**Category IV**
**Combat aircraft**

45. Experts reviewed proposals for amending category IV to include fixed-wing or variable geometry wing aircraft which are designed, equipped or modified to perform reconnaissance, command and control of troops, electronic warfare and refuelling missions.

**Category V**
**Attack helicopters**

46. Experts reviewed proposals for amending category V to include rotary-wing aircraft which are designed, equipped or modified to perform reconnaissance, target acquisition, command and control of troops, electronic warfare and mine-laying missions. Experts also discussed changing the name of the category to "Combat helicopters or military helicopters".

**Category VI**
**Warships**

47. Experts reviewed proposals for amending category VI to drop the standard displacement of vessels or submarines to 150 tonnes or more and/or altering the definition with regard to the range of torpedoes.

**Category VII**
**Missiles and missile launchers**

48. Experts reviewed proposals for amending category VII to include missiles of below 25 km range and ground-to-air missiles.

## C. Expansion of the scope of the Register

49. Experts considered a proposal for adding a new category to the Register, "Armed unmanned aerial vehicles", which represents a class of weapons that are just beginning to be transferred. Some experts also reviewed a proposal to include those vehicles as a subcategory of category IV.

50. Experts discussed adding a new category to the Register, "Small arms and light weapons". The Group debated the benefits of various proposals for clarifying the specific weapons included in a potential new SALW category. Experts expressed the view that more transparency for SALW will keep the Register relevant for vast numbers of Member States in various regions that have not engaged in international transfers of arms from the seven categories but that have security concerns related to the uncontrolled spread of SALW. In particular, the introduction of SALW as a new category was underlined as a central security concern for the regions of Africa and Latin America and the Caribbean that could develop interest and encourage continued and more meaningful participation in the Register, as well as enhance the implementation of existing legally binding instruments that complement the objectives of the Register.

51. Experts expressed the view that the introduction of SALW as a new category will assist in monitoring and highlighting destabilizing accumulations of SALW, although some experts mentioned the need for clearer definitions of SALW and capacity difficulties related to compiling data on SALW transfers, including allocation of human and financial resources and establishing mechanisms for accurate reporting. Experts noted the existence of United Nations processes and instruments that address the illicit trade in SALW. These instruments, among other actions, promote transparency in SALW transfers at the regional and subregional levels. However, the Register's unique role as the only global transparency

instrument for conventional arms transfers could complement existing instruments and international efforts to address the problem at the global level.

52. Experts discussed the possibility of including military holdings and national procurement as a distinct and separate category of the Register, while recognizing that security and other concerns may make it difficult for some States to provide such information. In addition, the Group discussed the possibility of adopting a standardized form for the submission of the background information of military holdings and procurement through national production. The Group discussed the view that a standardized form could improve the type of data provided, and make the data easier to access, compare and analyse.

53. The Group recognized the importance of the principle of transparency and its relevance to weapons of mass destruction. While noting that the Register covers only conventional arms, the Group reconfirmed that the question of transparency in weapons of mass destruction was an issue that should be addressed by the General Assembly.

## D. Overhaul of the Register database and electronic filing of reports

54. The Office for Disarmament Affairs reported to experts that the electronic filing of reports was possible without special equipment, based on outcomes of the pilot project conducted by the Office. The Group stressed the importance of the Secretariat's efforts to support the electronic filing of reports to the Register.

55. The Group supported the efforts of the Office for Disarmament Affairs to overhaul the Register database, as requested by the 2006 Group of Governmental Experts, based on new software that enables the quick and detailed search of information provided to the Register. That process will also allow the electronic submission of reports to the Register. The information provided through the electronic reports will feed directly into the database, resulting in a far higher degree of efficiency, security and accuracy. The Group noted that the support of Member States, through financial contributions and participating in future testing of the system, will assist in the timely conclusion of these major initiatives.

## E. Reporting methods

56. The Group encouraged States that have provided optional background information on national policies to keep such information up to date and to confirm in their annual submission that their previous information remains current.

57. The Group considered the existing standardized reporting forms for exports and imports of the seven major conventional arms and for "nil" returns in order to simplify them. The Group discussed a revised standardized form for "nil" reports with a view to facilitating Member State participation in the Register.

# IV. Conclusions and recommendations

## A. Conclusions

58. The Group concluded that the Register continues to be an important confidence-building measure and that significant efforts have been made in promoting the relevance of the Register. The Group noted the importance of continued progress towards the goal of universal participation in order to enhance the effectiveness of the Register as a global confidence-building measure and expressed the need to address continued and consistent participation in the Register.

59. The Group noted the importance of the relevance of the Register and expressed its view that relevance is related to the meaningful participation of Member States in the Register and the portion of the international arms trade reflected in the reports.

60. The Group concluded that efforts should continue at enhancing participation in the Register, including workshops, increased cooperation between the United Nations Secretariat and relevant regional/subregional organizations, as well as outreach activities by the Office for Disarmament Affairs and the regional disarmament centres. The Group underlined the importance of identifying opportunities for outreach on the Register and urged the Office for Disarmament Affairs to work with Member States to reinvigorate the practice of holding regional workshops on a regular basis, subject to financial support from the United Nations, Member States and other voluntary contributions.

61. The Group also recognized the need to provide the Office for Disarmament Affairs with adequate resources and financial assistance to support efforts to enhance participation and achieve universality in the Register. Experts welcomed voluntary contributions to the Secretariat and encouraged bilateral assistance to Member States, where appropriate, in support of the Register.

62. The Group reaffirmed the importance of regular and timely reports to the Register, including "nil" returns. The Group also emphasized that a "nil" report is as important as a report on specific imports and exports. The Group therefore agreed upon an amended, simplified "nil" reporting form.

63. The Group suggested two improvements to the standardized reporting form:

(a) On the standardized form for reporting exports and imports, the row for category VII has been split in two to differentiate subcategories (a) and (b);

(b) The section of the forms that include columns A through E and the "Remarks" section have been merged to highlight the importance of qualitative information related to the transfers.

64. With regard to the proposals in paragraphs 42 to 48 above, the Group noted that such issues merited review by future Groups of Governmental Experts.

65. The Group concluded that the issue of the inclusion of SALW as a new Register category merited continued review by future Groups of Governmental Experts.

66. The Group emphasized the importance of providing details of national points of contact as part of the standardized reporting forms and updating this information

as appropriate in order to facilitate regular, accurate and efficient reporting and communication.

67. The Group noted that the provision of guidance to Member States could have the effect of improving the uniformity and utility of data provided as background information on military holdings and procurement through national production.

68. The Group expressed its satisfaction with the efforts of the Office for Disarmament Affairs in implementing the recommendations of the 2006 Group of Governmental Experts, particularly with regard to establishing a process for the electronic filing of submissions and overhaul of the Register's database.

69. The Group reaffirmed the central role of the Secretariat in facilitating the continued operation and progress of the Register, which should be one of the primary missions of the Office for Disarmament Affairs. The Group reflected on the financial challenges faced by the Office for the operation of the Register. To that end, the Group expressed its view that the Office for Disarmament Affairs should be provided with adequate financial resources and personnel to maintain and enhance its role in promoting the Register.

70. The Group reiterated the importance of regular reviews of the Register in order to review its continuing operation and its further development. The Group recommended that future Groups of Governmental Experts be given ample time in which to conduct their programme of work to review the Register, based on the widest possible range of views. The Group noted that the Register review process would benefit from larger numbers of experts representing wider geographical representation. The Group underlined the fact that this Group of Governmental Experts had less time than previous ones to conduct their work, as the 2003 Group of Governmental Experts had five weeks and the 2006 Group had four weeks. The shortened time frame limited discussions on issues relevant to the Register's operation and scope.

## B. Recommendations

71. The Group encouraged increased and consistent participation by States in the Register in order to promote universality. In this regard, the Group recommended that the Secretariat continue to assist Member States to build capacity to submit meaningful reports, including capacity to report on SALW, and encourage States to submit "nil" returns, where appropriate.

72. The Group reaffirmed the recommendations made by the 2006 Group of Governmental Experts in their report (A/61/261).

73. The Group recommended that Member States utilize the new versions of the standardized and "nil" reporting forms in their future submissions to the Register.

74. The Group recommended holding the next regular review of the Register by a Group of Governmental Experts in 2012.

75. The Group recommended that the Secretary-General seek the views of Member States, including whether the absence of SALW as a main category in the United Nations Register has limited the relevance of the Register and directly affected decisions on participation.